

PRACTICAL GUIDE
TO
SANITARY LEGISLATION

J. A. ANGELL
AND
J. G. MORLEY



F2

*Presented by
The authors*



22101923308

1895

"num opus."

K20764

under the Public Health Acts Amendment Act, 1890:

In respect of Telegraph Wires, New Streets and Buildings, Alteration in Buildings, Sanitary Conveniences, Whirligigs, &c., &c. (1891.) By W. A. CASSON, Barrister-at-Law. Price 4s. 6d.

These Byelaws have been very extensively adapted by Local Authorities throughout the Country, and may be thoroughly relied upon, as meeting the requirements of the Local Government Board.

The Housing of the Working Classes Act, 1890:

By the Author of "The Local Loans of England and Wales." (1890.) Price 10s. 6d.

Cheap Edition of the Public Health Statutes:

Containing the Public Health Consolidated Act, 1875; the Rivers Pollution Act, 1876; the Public Health (Water) Act, 1878; and the Public Health (Interments) Act, 1879, and Amending Acts, to close of the Session of 1894; together with those portions of the Local Government Act, 1894, affecting Urban and Rural District Councils; with an Index, by F. STRATTON, Solicitor. A well-printed portable volume, bound in limp cloth. (1894.) Price 7s. 6d.

The Public Health (London) Act, 1891:

With Notes. By E. LEWIS THOMAS, Barrister-at-Law. (1892.) Price 10s. 6d.

The Election of Guardians and District Councilors under the Local Government Act, 1894:

By F. ROWLEY PARKER. (1894.) Price 20s.

The Election of Parish Councils under the Local Government Act, 1894:

By F. ROWLEY PARKER. (1894.) Price 6s.

The Law on Adulteration:

Being the Sale of Food and Drugs Acts, 1875-79. By THOMAS HERBERT. (1884.) Price 5s.

The Law relating to Highways:

By the late W. CUNNINGHAM GLEN, formerly Senior Legal Assistant to the Local Government Board, and ALEXANDER GLEN, M.A., LL.B., of the Midland Circuit, Barristers-at-Law. (1883.) Price 42s. Cloth; 48s. Law Calf.

BOOK I.—The Common Law relating to Highways.

Chapter I. The several kinds of Highways.—Chapter II. The Creation of Highways.—Chapter III. Rights in respect of Highways.—Chapter IV. The Liability to Repair Highways.—Chapter V. Enforcement of the Repair of Highways.—Chapter VI. Public Nuisances in connection with Highways.—Chapter VII. Abatement of Nuisances in connection with Highways.—Chapter VIII. Private Injuries in connection with Highways.

BOOK II.—The Statute Law in relation to Highways, including all the Statutes on the subject from the 5 & 6 Will. IV., c. 50, to the present time, with voluminous Notes and Cases on the several sections.

Times.—"A work of no ordinary research and erudition . . . A model of industry and completeness."



PRACTICAL GUIDE TO SANITARY LEGISLATION

CONTAINING A SYNOPSIS OF THE ACTS RELATING TO
PUBLIC HEALTH AND LOCAL GOVERNMENT.

INCLUDING THE

PUBLIC HEALTH ACTS—LOCAL GOVERNMENT ACTS 1888-1894—
HIGHWAYS, LOCOMOTIVES, TRAMWAYS, RAILWAYS, WATER,
GAS, ELECTRIC LIGHTING AND TELEGRAPH ACTS—
BYELAWS AS TO NEW STREETS AND BUILDINGS,
ETC., ETC.

SPECIALLY ARRANGED FOR THE USE OF
*OFFICERS AND MEMBERS OF LOCAL AUTHORITIES,
ARCHITECTS, STUDENTS, Etc.*

BY

JOHN A. ANGELL, ASSOC. M. INST. C.E.,
ENGINEER AND SURVEYOR, BECKENHAM URBAN DISTRICT COUNCIL,
MEMBER (EXAM.) SANITARY INSTITUTE,
MEMBER (EXAM.) INCORPORATED ASSOC. MUNICIPAL AND COUNTY ENGINEERS;

AND

JOHN G. MORLEY, ASSOC. M. INST. C.E.,
CHIEF ASSISTANT BOROUGH ENGINEER, WEST HAM,
MEMBER (EXAM.) SANITARY INSTITUTE.

LONDON:
KNIGHT & CO., 90, FLEET STREET, E.C.

1895.

LONDON :
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,
STAMFORD STREET AND CHARING CROSS.

| | |
|-------------------------------|----------|
| WELLCOME INSTITUTE LIBRARY | |
| Coll. | welM0mec |
| Call | |
| No. | WA |
| | |
| | |
| | |

INTRODUCTION.

THE ever-increasing extent of Sanitary Legislation renders the task of familiarizing one's self with its voluminous details one of no light character.

This Work is an endeavour to lighten that task and to meet the need felt by Officers and Members of Local Authorities, students, and others for an inexpensive, concise, and simple but comprehensive publication on the subject. It has been deemed advisable, however, to limit the present Volume to the requirements of a Borough Engineer and Surveyor's Department; a second Volume, for the use of Medical Officers of Health, Sanitary Inspectors, etc., being contemplated, should this Volume prove successful.

Of a less ambitious character than the invaluable publications prepared by distinguished members of the legal profession, and necessarily devoid of the *legal* precision of the Acts themselves, the present Work seeks merely to facilitate reference to matter inconveniently scattered, difficult of access, and often obscured by technical phraseology; in short, to enable the inquirer to place himself in possession of the Law on any subject with which the Volume deals with a less expenditure of time or research than perhaps hitherto possible.

With this object in view, the subject matter has been much abbreviated; detail of unimportance to those for whom the Work is intended has been eliminated, the retention solely of "working" matter having been aimed at. As far as possible, the relationship between the various Acts and their component parts has been rendered manifest

by copious notes and references, an attempt having been made to place every section in every Act in touch with every other section dealing with the same or kindred matter.

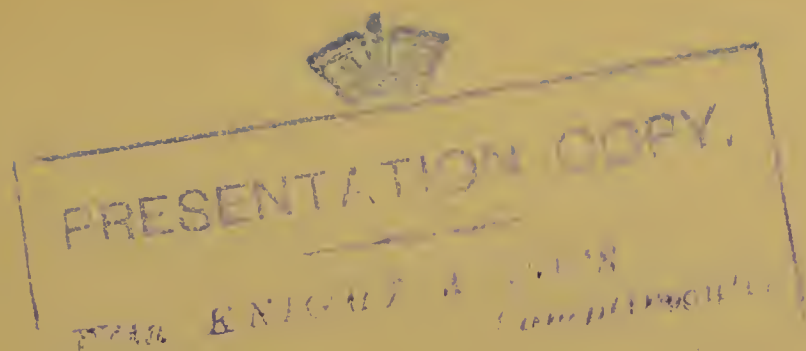
The Index is comprehensive (extending to nearly fifty pages) and carefully arranged to meet the requirements not only of the legal profession, but also, and especially, those of the Sanitary Engineer and Surveyor.

The authors have to acknowledge their great indebtedness to the following amongst other publications, viz.:—Glen's "Law of Public Health," and "Law relating to Highways;" Lumley's "Public Health;" Bower and Webb's "Electric Lighting;" and Knight's "Annotated Model Byelaws."

Whilst no pains have been spared to render the Work free from error and reliable, it is impossible but that some inaccuracies will have crept in, for any intimation of which, as also for any information which may tend to increase the value of the Work as a labour-saving "instrument," the authors will feel deeply grateful.

JOHN A. ANGELL.
JOHN G. MORLEY.

January, 1895.



CONTENTS.

GENERAL.

| | PAGE |
|---|------|
| 1. PUBLIC HEALTH ACT, 1875. (For Provisions as to Water Supply, see No. 15) | 1 |
| 2. PUBLIC HEALTH (BUILDING IN STREETS) ACT, 1888 | 96 |
| 3. PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 | 97 |
| 4. PRIVATE STREET WORKS ACT, 1892 | 121 |
| 5. RIVERS POLLUTION PREVENTION ACT, 1876 | 129 |
| 6. RIVERS POLLUTION PREVENTION ACT, 1893 | 140 |
| 7. PUBLIC HEALTH ACT, 1875 (SUPPORT OF SEWERS), AMENDMENT ACT, 1883 | 141 |
| 8. QUARRY (FENCING) ACT, 1887 | 147 |
| 9. TOWNS IMPROVEMENT CLAUSES ACT, 1847 | 149 |
| 10. TOWNS POLICE CLAUSES ACT, 1847 | 159 |
| 11. PUBLIC BODIES CORRUPT PRACTICES ACT, 1889 | 164 |
| 12. PUBLIC HEALTH (INTERMENTS) ACT, 1879 (Including a Synopsis of the Incorporated "Cemeteries Clauses Act, 1847") | 167 |
| 13. BARBED WIRE ACT, 1893 | 173 |
| 14. SHORT TITLES ACT, 1892 | 175 |

WATER SUPPLY.

| | |
|---|-----|
| 15. PUBLIC HEALTH ACT, 1875 (PROVISIONS AS TO WATER) | 179 |
| 16. PUBLIC HEALTH (WATER) ACT, 1878 | 190 |
| 17. WATERWORKS CLAUSES ACT, 1847 | 197 |
| 18. WATERWORKS CLAUSES ACT, 1863 | 214 |

GAS SUPPLY.

| | |
|--|-----|
| 19. GASWORKS CLAUSES ACT, 1847 | 223 |
| 20. GASWORKS CLAUSES ACT, 1871 | 232 |
| 21. WATCHING AND LIGHTING ACT, 1833 | 245 |

ELECTRIC LIGHTING AND TELEGRAPHS.

| | PAGE |
|---|------|
| 22. ELECTRIC LIGHTING ACTS, 1882-1888 | 253 |
| also :— | |
| BOARD OF TRADE RULES | 271 |
| DRAFT PROVISIONAL ORDER | 277 |
| REGULATIONS AS TO OVERHEAD WIRES | 293 |
| 23. TELEGRAPH ACTS, 1863-1892 (Brief Synopsis) | 297 |

HOUSING OF THE WORKING CLASSES.

| | |
|---|-----|
| 24. HOUSING OF THE WORKING CLASSES ACT, 1885 | 313 |
| 25. HOUSING OF THE WORKING CLASSES ACT, 1890 | 316 |
| 26. WORKING CLASSES DWELLINGS ACT, 1890 | 362 |

LOCAL GOVERNMENT.

| | |
|---------------------------------------|-----|
| 27. LOCAL GOVERNMENT ACT, 1888 | 367 |
| 28. LOCAL GOVERNMENT ACT, 1894 | 389 |

HIGHWAYS, ETC.

| | |
|--|-----|
| 29. TRAMWAYS ACT, 1870 | 417 |
| 30. HIGHWAYS ACTS, 1835-1891 | 436 |
| 31. LOCOMOTIVES ACTS, 1861-1878 | 490 |
| 32. RAILWAY CLAUSES ACTS, 1845-1863 | 502 |

BYELAWS.

| | | |
|---|---|-----|
| 33. NEW STREETS AND BUILDINGS. | (1) Model Byelaws made under the P. H. A., 1875 (sec. 157) | 517 |
| | (2) Additions to, and Modifications, and Extensions of Model Byelaws, to meet the Special requirements of any District | 551 |
| | (3) Byelaws made under the P. H. Acts Amendt. Act, 1890 (sec. 23) | 563 |
| 34. ALTERATIONS TO BUILDINGS. Made under the P. H. Acts Amendt. Act, 1890 (sec. 23) | | 575 |
| 35. (a) CLEANSING OF FOOTWAYS AND PAVEMENTS, (b) REMOVAL OF HOUSE REFUSE, (c) CLEANSING OF EARTH-CLOSETS, PRIVIES, ASH-PITS, CESSPOOLS, (d) PREVENTION OF NUISANCES ARISING FROM SNOW, | Model Byelaws made under the P. H. A., 1875, (sec. 44) | 579 |
| 36. SUBJECTS OF BYELAWS AND THE AUTHORISING ACTS | | 582 |
| 37. GENERAL INDEX | | 593 |

ABBREVIATIONS.



| Abbreviation. | | | Definition. |
|----------------|----|----|---|
| L. A. | .. | .. | Local Authority. |
| U. A. | .. | .. | Urban do. |
| R. A. | .. | .. | Rural do. |
| S. A. | .. | .. | Sanitary do. |
| C. C. | .. | .. | County Council. |
| A. | .. | .. | Authority. |
| L. G. B. | .. | .. | Local Government Board. |
| P. H. A. | .. | .. | Public Health Act. |
| P. O. | .. | .. | Provisional Order. |
| P. S. A. | .. | .. | Port Sanitary Authority. |
| Advt. | .. | .. | Advertisement. |
| N. | .. | .. | Nuisance. |
| T. | .. | .. | Tramway. |
| Loco. | .. | .. | Locomotive. |
| Bd. of T. | .. | .. | Board of Trade. |
| E. | .. | .. | Electricity. |
| Tel. | .. | .. | Telegraph. |
| Und. | .. | .. | Undertakers. |
| P. G. | .. | .. | Postmaster General. |
| S. J. | .. | .. | Summary Jurisdiction. |
| Summarily | .. | .. | Before a Court of Summary Jurisdiction. |
| Private Street | .. | .. | A Street <i>not</i> repairable by the Inhabitants at large. |

| Abbreviation. | Definition. |
|----------------------|---|
| Highway | A Highway "repairable by the Inhabitants at large" (unless repugnant to the context). |
| Local Newspaper .. | A local Newspaper circulating within the District. |
| Penalties | In each case not to exceed the amount, etc., stated. |
| Medical Officer .. | The Medical Officer of Health. |
| Medical Practitioner | A legally qualified Medical Practitioner. |

THE
PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT., CAP. 55.)

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY (Secs. 1-4).

PART II.

CONSTITUTION OF DISTRICTS AND AUTHORITIES (Secs. 5-12) .

PART III.

SANITARY PROVISIONS (Sec. 13-143).

SEWERAGE AND DRAINAGE (Secs. 13-26).

SECTION

13. Sewers vested in L. A.
14. Power to purchase Sewers.
15. Maintenance and making of Sewers.
16. Powers for making Sewers.
17. Sewage to be purified before being discharged into Streams.
18. Alteration and discontinuance of Sewers.
19. Cleansing Sewers.
20. Map of Sewerage System.
21. Power of Owners and Occupiers within District to drain into Sewers of L. A.
22. Power of Owners and Occupiers without District to drain into Sewers of L. A.

SECTION

- 23. Power of L. A. to enforce drainage of undrained Houses.
- 24. Power of L. A. to require Houses to be drained into New Sewers.
- 25. Penalty on building House without Drains in Urban District.
- 26. Penalty on unauthorized building over Sewers and under Streets in Urban District.

DISPOSAL OF SEWAGE (Secs. 27-31).

AS TO SEWAGE WORKS WITHOUT DISTRICT (Secs. 32-34).

PRIVIES, WATERCLOSETS, DRAINS, ETC. (Secs. 35-41).

- 35-38. Privies, Waterclosets, etc., to Houses and Factories.
- 39. Public Necessaries.
- 40. Drains, Privies, etc., to be properly kept.
- 41. Examination of Drains, Privies, etc., on complaint of Nuisance.

SCAVENGING AND CLEANSING (Secs. 42-47).

- 42. L. A. to provide for cleansing of Streets and removal of House Refuse.
- 43. Penalty on neglect of L. A. to remove Refuse, etc.
- 44. Power of L. A. to make Byelaws imposing duty of Cleansing, etc., on Occupier.
- 45. Power to provide Receptacle for deposit of Rubbish.
- 46. Houses to be purified on Certificate of Medical Officer or two Medical Practitioners.
- 47. Penalty in respect of certain Nuisances on Premises.

OFFENSIVE DITCHES AND COLLECTIONS OF MATTER (Secs. 48-50).

- 48. Cleansing of Offensive Ditches lying near to or forming the Boundaries of Districts.
- 49. Removal of Filth on Certificate of Inspector of Nuisances.
- 50. Removal of Manure from Mews, etc.

WATER SUPPLY (Secs. 51-67). (See p. 179).

PROVISIONS FOR PROTECTION OF WATER (Secs. 68-70). (See p. 187.)

REGULATIONS AS TO CELLAR DWELLINGS (Secs. 71-75).

COMMON LODGING-HOUSES (Secs. 76-89).

BYELAWS AS TO HOUSES LET IN LODGINGS (Sec. 90).

NUISANCES (Secs. 91-111).

- 91. Definition of Nuisance.
- 92. Duty of L. A. to inspect District for detection of Nuisances.
- 93. Information of Nuisances to L. A.
- 94. L. A. to serve Notice requiring Abatement of Nuisance.
- 95. On non-Compliance Complaint to be made to Justice.
- 96. Power of Court to make Order.
- 97. Order of Prohibition in case of House unfit for Human Habitation.
- 98. Penalty for Contravention of Order of Court.
- 99. Appeal against Order.
- 100. Where Owner not known Order may be addressed to L. A.
- 101. Power to sell Manure, etc.

SECTION

- 102. Power of entry of L. A.
- 103. Penalty for disobedience of Order.
- 104. Costs and Expenses of Execution of Provisions relating to Nuisances.
- 105. Power of Individual to complain to Justice of Nuisances.
- 106. Power of Police Officer to proceed in certain cases against Nuisances.
- 107. L. A. may take proceedings in Superior Court.
- 108. Power to proceed where cause of Nuisance arises without District.
- 109. Provision in case of two convictions for Overcrowding.
- 110. Provisions as to Ships.
- 111. Provisions of Act relating to Nuisances not to affect other remedies.

OFFENSIVE TRADES (Sees. 112-115).

UNSOOUND MEAT, ETC. (Sees. 116-119).

INFECTIOUS DISEASES AND HOSPITALS (Sees. 120-130).

HOSPITALS (Sees. 131-133).

PREVENTION OF EPIDEMIC DISEASES (Sees. 134-140).

MORTUARIES (Sees. 141-143).

PART IV.

LOCAL GOVERNMENT PROVISIONS (Sees. 144-172).

HIGHWAYS (Sees. 144-148).

REGULATION OF STREETS AND BUILDINGS (Sees. 149-160).

- 149. Vesting of Streets, etc., in U. A.
- 150. Power to compel Paving, etc., of Private Streets.
- 151. Exemption from Expenses under last Section of Incumbent of Church, etc.
- 152. Power to declare Private Streets when Sewered, etc., to be Highways.
- 153. Power to require Gas and Water pipes to be removed.
- 154. Power to purchase premises for Improvement of Streets.
- 155. Power to Regulate line of Buildings.
- 156. Buildings not to be brought forward.
- 157. Power to make Byelaws respecting New Buildings.
- 158. As to commencement of works and removal when contrary to Byelaws.
- 159. What to be deemed a New Building.
- 160. Incorporation of certain provisions of "The Towns Improvement Clauses Act, 1847."

LIGHTING STREETS, ETC. (Sees. 161-163).

PUBLIC PLEASURE-GROUNDS AND CLOCKS (Sees. 164, 165).

MARKETS AND SLAUGHTER-HOUSES (Sees. 166-170).

POLICE REGULATIONS (Sees. 171, 172).

- 171. Incorporation of Provisions of "Police Clauses Act, 1847."
- 172. U. A. may make Byelaws for licensing horses, boats, etc., for hire.

PART V.

GENERAL PROVISIONS (Secs. 173-206).

CONTRACTS (Secs. 173, 174).

POWER TO PURCHASE OR LET LANDS, ETC. (Secs. 175-178).

ARBITRATION (Secs. 179-181).

BYELAWS AND REGULATIONS (Secs. 182-188).

OFFICERS OF L. A. (Secs. 189-196).

CONDUCT OF BUSINESS OF L. A. (Secs. 197-206).

PART VI.

RATING AND BORROWING POWERS (Secs. 207-250).

EXPENSES OF U. A. AND URBAN RATES (Secs. 207-208).

GENERAL DISTRICT RATE (Secs. 209-212).

PRIVATE IMPROVEMENT RATE (Secs. 213-215).

HIGHWAY RATE (Secs. 216-217).

GENERAL PROVISIONS AS TO URBAN RATES (Secs. 218-228).

PRIVATE IMPROVEMENT AND OTHER EXPENSES OF RURAL A. (Secs. 229-232).

BORROWING POWERS (Secs. 233-244).

AUDIT OF ACCOUNTS (Secs. 245-250).

PART VII.

LEGAL PROCEEDINGS (Secs. 251-269).

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES, ETC.
(Secs. 251-265).

NOTICES (Secs. 266-267).

APPEAL TO L. G. B. OR QUARTER SESSIONS (Secs. 268-269).

PART VIII.

ALTERATION OF AREAS AND UNION OF DISTRICTS
(Secs. 270-292).

ALTERATION OF AREAS (Secs. 270-278).

SECTION

270. Powers of L. G. B. in relation to alteration of areas.

271. L. G. B. may by Prov. Order constitute Loc. Gov. District.

272. L. G. B. may by Order constitute Loc. Gov. District in pursuance of a
Resolution of Owners and Ratepayers.

SECTION

- 273. Objection to Resolution.
- 274. Appeal to L. G. B., in case of alleged invalidity of Vote.
- 275. General Provisions as to Orders.
- 276. L. G. B. may invest Rural A. with powers of Urban A.
- 277. Powers of Rural A. to form Special Drainage Districts.
- 278. Power to settle disputes as to Boundaries of Districts.

UNION OF DISTRICTS (Secs. 279-286).

- 279-284. Formation of United Districts—Proceedings and Expenses of Joint Boards.
- 285. Power to execute Works in adjoining Districts and to combine for execution of Works.
- 286. Districts may be united for appointing a Medical Officer.

PORT SANITARY AUTHORITY (Secs. 287-292).

PART IX.

LOCAL GOVERNMENT BOARD (Secs. 293-304).

AS TO LOCAL GOVERNMENT BOARD INQUIRIES (Secs. 293-296).

PROVISIONAL ORDERS BY BOARD (Secs. 297-298).

POWER OF BOARD TO ENFORCE PERFORMANCE OF DUTY OF DEFAULTING L. A. (Secs. 298-302).

POWER OF BOARDS IN RELATION TO REPEAL, ETC., OF LOCAL ACTS (Secs. 303-304).

PART X.

MISCELLANEOUS AND TEMPORARY PROVISIONS (Secs. 305-325).

MISCELLANEOUS (Secs. 305-317).

- 305. Entry on Lands for purposes of Act.
- 306. Penalty on obstructing execution of Act.
- 307. Penalty on damaging Works, etc., of L. A.
- 308. Compensation in case of damage by L. A.
- 309. Compensation in certain cases to Officers.
- 310. Provision where Improvement Act District or Loc. Gov. District becomes a Borough.
- 311. Power of Local Boards to change Name.
- 312. As to election of certain Improvement Commissioners, etc.
- 313. Substitution in other Acts of provisions of this Act for provisions of repealed Acts.
- 314. Byelaws as to Hop-pickers.
- 315. As to Byelaws inconsistent with this Act.
- 316. As to construction of Incorporated Acts.
- 317. Construction of Schedules.

TEMPORARY PROVISIONS (Secs. 318-325).

PART XI.

SAVING CLAUSES AND REPEAL OF ACTS (Secs. 326-343).

SAVING CLAUSES (Secs. 326-342).

SECTION

- 326. Provision as to the Sanitary Authorities existing at the passing of this Act and their officers, etc.
- 327. Saving for Works and Property of certain Authorities and for Navigation and Water rights, etc.
- 328. Reference to Arbitration in case of Works not within preceding Section.
- 329. Effect of Arbitration.
- 330. Provision as to transfer of Powers.
- 331. Do. alteration of Sewers.
- 332. Saving for Water rights generally.
- 333. Arbitration as to alteration of Sewers injuriously affecting supply of Water, etc.
- 334. Saving for Mines, etc.
- 335. Do. Collegiate bodies and Gov. Departments.
London County Council.
- 336. Do. ~~Metropolitan Board of Works.~~
- 337. Do. payment in certain cases to L. A.
- 338. *Repealed.*
- 339. Saving for certain Local Boards.
- 340. Do. proceedings under certain Local Acts.
- 341. Powers of Act to be cumulative.
- 342. Constitution of Local Board of the Oxford District.

REPEAL OF ACTS.

- 343. Repeal of Acts in Schedule V.

SCHEDULES.

THE PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT., CAP. 55.)

An Act for consolidating and amending the Acts relating to Public Health in England.*

PART I.

PRELIMINARY.

3. Division of Act into Parts.

| PARTS | SECTIONS |
|--|----------|
| I. Preliminary | 1-4 |
| II. Authorities for execution of Act | 5-12 |
| III. Sanitary provisions | 13-143 |
| IV. Local Government provisions | 144-172 |
| V. General provisions | 173-206 |
| VI. Rating and Borrowing powers, etc. | 207-250 |
| VII. Legal proceedings | 251-269 |
| VIII. Alteration of Areas and Union of Districts | 270-292 |
| IX. Local Government Board | 293-304 |
| X. Miscellaneous and Temporary provisions | 305-325 |
| XI. Saving Clauses and Repeal of Acts | 326-343 |

4. Definitions.

| Expression. | Definition. |
|------------------------------|---|
| 1. Borough | * * * * * |
| 2. Metropolis | * * * * * |
| 3. Local Government District | Any Area subject to the Jurisdiction of a Local Board constituted in pursuance of the Local Government Acts before the passing, or in pursuance of, this Act. |
| 4. Local Board | Any Board constituted as above (3). |

* Exclusive of the Metropolis.

| | Expression. | Definition. |
|---------|------------------------------|--|
| Sec. 4. | 5. Improvement Act District | Any Area subject to the jurisdiction of any Improvement Commissioners as hereinafter defined. |
| | 6. Improvement Commissioners | Any Commissioners, Trustees, or other persons invested by any Local Act with power of Town Government and Rating. |
| | 7. Parish . . . | * * * * * |
| | 8. Union . . . | * * * * * |
| | 9. Guardians . . | * * * * * |
| | 10. Person . . . | Includes any body of persons, whether Corporate or unincorporate. |
| | 11. Local Authority . | Urban or Rural Sanitary Authority. |
| | 12. Surveyor . . . | Any person appointed by an Urban or Rural A. to perform any of the duties of Surveyor under this Act. |
| | 13. Lands and Premises | Includes Messuages, Buildings, Lands, Easements, and Hereditaments. |
| | 14. Owner . . . | The person for the time being receiving the Rack-rent of the lands or premises in question, whether on his own account, or as agent or trustee, or who would so receive the same if such lands or premises were let at a rackrent. |
| | 15. Rackrent . . . | * * * * * |
| | 16. Street . . . | Includes any— (a) Highway (not being a Turnpike Road), (b) Public Bridge (not being a County Bridge), (c) Road, Lane, Footway, Square, Court, Alley, or Passage, whether a thoroughfare or not. |
| | 17. Drain . . . | Any Drain of or used for the drainage of one Building only, or premises within the same Curtilage, and made merely for the purpose of communicating therefrom with— (a) A Cesspool or other like receptacle for drainage; or (b) A Sewer into which the drainage of two or more Buildings or Premises occupied by different persons is conveyed. |
| | 18. House . . . | Includes Schools, Factories, and other buildings in which persons are employed. |
| | 19. Sewer . . . | Includes Sewers and Drains of every description (except drains as aforesaid defined), and except Drains vested in or under the control of any Authority having the management of Roads and not being a Local Authority under this Act. |
| | 20. Slaughter-house . | Includes Knackers' yards and any Building or place used for slaughtering Cattle, Horses, or other Animals for Sale. |
| | 21. Water Company . | Any person supplying, or who may hereafter supply water for his own profit. |
| | 22. Waterworks . . | Includes Streams, Springs, Wells, Pumps, Reservoirs, Cisterns, Tanks, Aqueducts, Cuts, Sluices, Mains, Pipes, Culverts, Engines, and all Machinery, Lands, Buildings, and things for Supplying Water, also the Stock-in-trade of any Water Company. |
| | 23. Bakchouse Regulation Act | * * * (See sec. 10, p. 11.) |

| Expression. | Definition. | | | | | | |
|---|---|---|---|-----------------------|-----|-------|---------|
| 24. Artisans and Labourers Dwellings Act | * | * | * | (See sec. 10, p. 11.) | | | Sec. 4. |
| 25. Baths and Wash-houses Acts | * | * | * | (| Do. | Do.) | |
| 26. Labouring Classes Lodging - houses Acts | * | * | * | (| Do. | Do.) | |
| 27. Sanitary Acts | All the above-mentioned Acts and Acts mentioned in Schedule V., Part I., of this Act. | | | | | | |
| 28. Sanitary Purposes | Any object or purposes of the Sanitary Acts. | | | | | | |
| 29. Court of Quarter Sessions | * | * | * | * | * | * | |
| 30. Court of Summary Jurisdiction | * | * | * | * | * | * | |
| 31. Summary Jurisdiction Acts | * | * | * | * | * | * | |

PART II.

AUTHORITIES FOR EXECUTION OF ACT (Secs. 5-12).

CONSTITUTION OF DISTRICTS AND AUTHORITIES.

5. Urban and Rural Sanitary Districts.*

For the purposes of this Act, England (except the Metropolis) shall consist of—

- (a) Urban Sanitary Districts, } herein referred to as Urban
(b) Rural Sanitary Districts, } and Rural Districts.

Such Districts respectively to be subject to the jurisdiction of Local Authorities called—

- (1) Urban Sanitary Authorities, } herein referred to as
(2) Rural Sanitary Authorities,† } Urban and Rural
Authorities.

6. Description of Urban Districts and Urban Authorities* (Rural Districts, sec. 9).

| Urban District. | Urban Authority. |
|--|---|
| BOROUGH (<i>def.</i>), constituted such either <i>before</i> or <i>after</i> the passing of this Act (<i>see sec. 198</i>). | The Mayor, Aldermen, and Burgesses acting by the Council. |
| IMPROVEMENT ACT DISTRICT (<i>def.</i>), constituted such <i>before</i> the passing of this Act, and having no part of its area situated within a Borough or Local Government District. | The Improvement Commissioners. |
| LOCAL GOVERNMENT DISTRICT (<i>def. and sec. 271</i>), constituted such either <i>before</i> or <i>after</i> the passing of this Act, having no part of its area situated within a Borough and not coincident in area with a Borough or Improvement Act District (<i>def.</i>). | The Local Board. |

*

*

*

*

*

*

* For altered titles of Local Authorities, see L. G. Act, 1894, sec. 21, p. 400.

† Investment of R. A. with powers of U. A., sec. 276.

7. Incorporation of Local Boards and Improvement Commissioners.

Every Local Board . . . constituted *after* the passing of this Act shall be designated by such name as they may, with the sanction of the L. G. B., adopt, and with a perpetual succession and a common seal, and with power to sue and to be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.

Acquisition of Land, sec. 176. Power to change Name, sec. 311.

8. Election of Local Boards. (*In part repealed by Local Gov. Act, 1894, p. 413.*)

Election of Improvement Commissioners, sec. 312.

9. Description of RURAL Districts and RURAL Authorities. (*In part repealed by Local Gov. Act, 1894, p. 413.*)

The area of any Union (*def.*) which is not coincident in area with, nor wholly included in, an *Urban* District, with the exception of those portions (if any) of the area which are included in any *Urban* District, shall be a *Rural* District, and the guardians of the Union shall form the *Rural A.* of such District.

* * * * *

Subject to the provisions of this Act, all statutes, orders, and legal provisions applicable to any Board of Guardians shall apply to them in their capacity of *Rural A.* under this Act for purposes of this Act; and it is hereby declared that the *Rural A.* are the same body as the Guardians of the Union or Parish for or within which such Authority acts.

10. Powers and Duties of URBAN Authorities (other than under this Act).

The whole of the powers, rights, duties, capacities, liabilities, and obligations of the L. A. under the following Acts, viz.:—

| | | |
|--|---|--|
| <p>*(a) Bakehouse Regulations Act, 1863, †(b) Artisans and Labourers Dwellings Acts, 1868,</p> | } | <p>and any amend- ments thereto,</p> |
|--|---|--|

shall be exercised by or attached to every *Urban A.*

* The control of the L. A. was removed by the repeal of the Bakehouse Regulation Act, 1863, by the Factory Act, 1878, but was partially rovested in the L. A. by the Factory and Workshops Act, 1883.

† Repealed by the Housing of the Working Classes Act, 1890, p. 316.

Sec. 10.

Where the following Acts, viz.:—

*(1) The Baths and Wash-houses Acts, 1846, 1847.

†(2) Labouring Classes Lodging-houses Acts, 1851, 1866, 1867,

are not in force within an *URBAN* District, the U. A. may adopt the same.

Where any local Act is in force within an *URBAN* District (other than a River Conservancy Act) conferring on any Commissioners, Trustees, or other persons, powers for purposes the same as, or similar to those of this Act (but not for their own pecuniary benefit), all the powers, rights, duties, capacities, liabilities, and obligations of such Commissioners, etc., in relation to such purposes, shall be transferred to the said U. A.

Waterworks Clauses Act, 1847; Water Supply to Baths and Wash-houses, sec. 37, p. 203.

11. Powers and Duties of RURAL Authorities (other than under this Act).

The whole of the powers, rights, duties, capacities, liabilities, and obligations of the L. A. under the Bakehouse Regulation Act, and amendments thereto (*see note to sec. 10, p. 11*), shall be exercised or attached to every *Rural A.*

Investment of R. A. with powers of U. A., sec. 276.

Local Gov. Act, 1894; Transfer of powers of R. A. to Rural District C., sec. 25, p. 401.

12. Vesting of Property in L. A.

Sale of Lands, sec. 175; Acquisition of Land, sec. 176; Lease of Surplus Lands, sec. 177.

* Also see Baths and Wash-houses Acts, 1878–1882, and sec. 34 (2), p. 95. (Under the Local Gov. Act, 1894, sec. 7, p. 393, the Parish Meeting shall have the power of adopting these Acts.)

† Repealed by the Housing of the Working Classes Act, 1890, p. 316.

PART III.

SANITARY PROVISIONS (Secs. 13-143).

SEWERAGE AND DRAINAGE (Secs. 13-41).

REGULATIONS AS TO SEWERS AND DRAINS (Secs. 13-26).

13. Sewers vested in L. A.

All existing and future Sewers (*def.*), together with all Buildings, Works, Materials, and things belonging thereto—
Except—

- (1) Sewers made by any person (*def.*) for his own profit, ^{Private Sewers.} or by any Company for the profit of the Shareholders; and
- (2) Sewers made and used for the purpose of draining, ^{Sewers for Irrigating Land.} preserving or improving Land under any Local or Private Act of Parliament, or for the purpose of irrigating Land; and
- (3) Sewers under the Authority of any Commissioners of ^{Sewers vested in Crown.} Sewers appointed by the Crown (*sec.* 327);

shall vest in and be under the control of the L. A.

Provided that Sewers within the District of a L. A. which have been or which may hereafter be constructed by or transferred to some other L. A., or by or to a Sewage Board or other Authority empowered by Act to construct Sewers, shall (subject to any agreement to the contrary) vest in and be under the control of the A., who constructed the same, or to whom the same have been transferred.

Maintenance and making of Sewers, *sec.* 15. Cleansing Sewers, *sec.* 19. Communication of Sewers of adjoining District, *sec.* 28. Execution of Joint Works, *sec.* 285; also—

P. H. (Support of Sewers) Amendt. Act, 1883, as to Support of Sewers in Mining Districts, *sec.* 3, p. 142.

14. Power to purchase Sewers.

Any L. A. may purchase or otherwise acquire from any

Sec. 14. person any Sewer (*def.*) or any right of making or of User, or other right in or respecting a Sewer (with or without any Buildings, Works, Materials, or things belonging thereto) within their District. * * * *

Rights of previous Users. But any person who has acquired a right to use such Sewer, shall be entitled to use the same (or any Sewer substituted therefore) to the same extent as if the purchase had not been made.

Right of Owners, etc., to drain into Sewers, secs. 21, 22.

15. Maintenance and making of Sewers.*

Every L. A. shall keep their Sewers in repair and cause to be made such Sewers as may be necessary for effectually draining the District.

Sewers vested in L. A., sec. 13. Cleansing Sewers, sec. 19. Disposal of Sewage, secs. 27-31. Drainage of Private Streets, sec. 150. Defaulting L. A., sec. 299; also—

Rivers Poll. Prev. Act, 1876: L. A. to afford facilities for drainage of Factories, sec. 7, p. 135.

P. H. (Support of Sewers) Act, 1883: Support of Sewers in Mining Districts, sec. 3, p. 142.

Electric Lighting Act, 1882, p. 260, sec. 12,

Electric Lighting Prov. Order, p. 282, sec. 9-16,

Waterworks Clauses Act, 1847, p. 200, secs. 28-34, 52,

Gasworks Clauses Act, 1847, p. 224, secs. 6-12,

Tramways Act, 1870. Protection of Sewers, sec. 31, p. 424.

} Power to break up
Sewers.

16. Power for making Sewers.

A Local A. may carry any Sewer (*def.*)—

Under Streets.

(a) Through, across, or under, any Turnpike Road,† Street (*def.*), or intended Street; or

Under Cellars, etc.

(b) Under any Cellar or Vault situate under the Pavement or Carriage-way of any Street; or

Under any Lands.

(c) Into, through or under, any land whatsoever within their District (if on the Report of their Surveyor it appears necessary) after reasonable Notice (*secs.* 266, 267) to the Owner or Occupier.

Outfall or Distribution of Sewage.

They may also (subject to the provisions of *secs.* 32-34) exercise all or any of the above powers *without* their District for the purpose of Outfall or Distribution of Sewage.

* As to complaint by Parish Council of default of District Council to provide, etc., Sewers, see Local Gov. Act, 1894, sec. 16, p. 397.

† See note as to extent of Turnpike Roads, p. 479.

Saving for Water Rights, secs. 327-333. Saving Rights for Mines, sec. Sec. 16. 334; also—

P. H. (Support of Sewers) Amendt. Act, 1883: Support of Sewers in Mining Districts, sec. 3, p. 142.

17. Sewage to be purified before being discharged into Streams, etc.

Nothing in this Act shall authorize any L. A. to make or use any Sewer, Drain (*def.*), or Outfall for conveying Sewage or filthy water into any natural Stream, Water-course, Canal, Pond, or Lake until such Sewage, etc., is freed from all excrementitious or other foul or noxious matter, such as would affect or deteriorate the purity and quality of the water in such Stream, etc.

Cleansing offensive Watercourses, sec. 48. Pollution of Streams, secs. 68, 69. Nuisances, 91-111. Saving of Water Rights, secs. 327-333; also—

P. H. A. Amendt. Act, 1890: Injurious Matters, Chemicals, Steam, etc., not to pass into Sewers, secs. 16-17, p. 105. Penalty for throwing Cinders, Filth, etc., into Streams, sec. 47, p. 118.

Rivers Poll. Prev. Act, 1876: Prohibition as to putting Solid Matter, Sewage, Factory or Mining Pollutions into Streams, sec. 2-5, p. 131. Pollution of Streams without District, sec. 8, p. 135. Restrictions on Proceedings, secs. 12-13, p. 137.

18. Alteration and Discontinuance of Sewers.

Any L. A. may enlarge, lessen, alter the course of, cover in or otherwise improve any Sewer (*def.*) belonging to them, and may discontinue, close up or destroy any such Sewer, on condition of providing a Sewer as effectual for the use of any person who may be deprived of the lawful use of any Sewer—

No nuisance to be created.

Provided that the discontinuance, closing up or destruction of any Sewer, shall be so done as not to create a Nuisance (*sec. 91*).

Cleansing of Sewers, sec. 19. Reconnection of House Drains with New Sewers, sec. 24. Alteration of Sewers affecting Rivers, Canals, etc., secs. 331-333. Saving for Mines, sec. 334; also—

P. H. A. Amendt. Act, 1890: Enlargement of Sewers, etc., by Agreement, sec. 18, p. 106.

Rivers Poll. Prev. Act, 1876: L. A. to afford facilities for Drainage of Factories, sec. 7, p. 135.

| | |
|--|-----------------------------|
| Electric Lighting Act, 1882, p. 260, sec. 12, | } Power to break up Sewers. |
| Electric Lighting Provisional Order, p. 282, sec. 9-16, | |
| Waterworks Clauses Act, 1847, p. 200, secs. 28-34, 52, | |
| Gasworks Clauses Act, 1847, p. 224, secs. 6-12, | |
| Tramways Act, 1870, Protection of Sewers, sec. 31, p. 424. | |

19. Cleansing, Ventilating, etc., Sewers.

Every L. A. shall cause their Sewers (*def.*) to be constructed, covered, ventilated and kept so as not to be a Nuisance or injurious to health, and to be properly cleansed and emptied.

Sewers vested in L. A., sec. 13. Defaulting L. A., sec. 299. Entry on to Private Lands, sec. 305; also—

P. H. A. Amendt. Act, 1890: Injurious Matters, Chemicals, Steam, etc., not to pass into Sewers, secs. 16, 17, p. 105.

Rivers Poll. Prev. Act, 1876: L. A. to afford facilities for Drainage of Factories, sec. 7, p. 135.

Waterworks Clauses Act, 1847: Water Company to provide Water for Cleansing Sewers, Drains, etc., sec. 37, p. 203.

20. Map of System of Sewerage in URBAN District.

An *Urban A.* may provide a Map exhibiting a system of Sewerage for effectually draining their District, which Map shall be kept in their Office for inspection by ratepayers at all reasonable times.

P. H. (Support of Sewers) Act, 1883. Obligation of L. A. to make Map of all their Sanitary Works, sec. 3, p. 142.

21. Use of Sewers by Owners and Occupiers *within* District.

The Owners (*def.*) or Occupiers of any premises (*def.*) *within* the District may drain into the Local Authority's Sewers (*def.*) on compliance with their Regulations (*sec.* 188) as to—

- Power to close connections improperly made.
- (a) Giving the Notice required by such A.,
 - (b) Mode of connection,
 - (c) Control and superintendence by such A.

Penalty £20 for non-compliance with Regulations; and the A. may also close any communication made in contravention of (and recover summarily, *sec.* 251, any expenses incurred by them under) this Section.

Byelaws as to Drainage of Buildings, *sec.* 157, and p. 537. Recovery of Penalties, *sec.* 251; also—

P. H. A. Amendt. Act, 1890: Owners, etc., may require L. A. to make communications with Sewers, *sec.* 18. Injurious Matter, Chemicals, Steam, etc., not to pass into Sewers, secs. 16, 17, p. 105.

Rivers Poll. Prev. Act, 1876: L. A. to afford facilities for drainage of Factories into Sewers, *sec.* 7, p. 135.

22. Use of Sewers by Owners and Occupiers *without* District.

The Owner (*def.*) or Occupier of any premises *without* the

District may connect any Sewer or Drain (*def.*) from such premises with any Sewer (*def.*) of the L. A. on agreed terms and conditions, or (in case of dispute) as may be settled at the Owner or Occupier's option, by a Court of S. J. or by Arbitration (*sec.* 179). Sec. 22.

Communication of Sewers with adjoining District, *sec.* 28. Also see References to preceding section.

23. Power of L. A. to enforce drainage of undrained Houses.

Where any House (*def.*) is without a Drain (*def.*) sufficient for effectual drainage, the L. A. shall by Notice (*secs.* 94, 266–267) require the Owner or Occupier, within a reasonable time therein specified, to make a *covered Drain or Drains emptying into any Sewer which the L. A. are entitled to use and situate not more than 100 feet from the site of such House; or in the absence of any such Sewer, then emptying into such covered Cesspool or other place (not being under any house) as such Authority may direct.* Mode of constructing Drain.

*The L. A. may require such Drains to be of such materials and size and to be laid at such level and inclination as their Surveyor may report to be necessary.**

If such Notice be not complied with, the L. A. may execute the work and recover the cost thereof summarily (*secs.* 251–257) from the Owner, or may by Order declare the same to be P. Impt. Exps. (*sec.* 213). Non-compliance with Notice.

Provided that where, in the opinion of the L. A., greater expense would be incurred in causing the Drains of two or more houses to empty into an existing Sewer, than in constructing a New Sewer and connecting such Drains therewith, the L. A. may construct such new Sewer and require the Owners or Occupiers of such Houses to connect therewith, and may apportion, as they deem just, the cost of such Sewer amongst (and recover summarily from) the Owners of the several Houses, or may by Order declare the same to be P. Impt. Exps. (*sec.* 213). New Sewer may be constructed, and cost apportioned.

Drainage into New Sewers, *sec.* 24. Penalty for building without Drain, *sec.* 25. Privies, W.C.'s, etc., *secs.* 35–40. Exam. of Drains, Privies, etc., on complaint of Nuisance, *sec.* 41. Power of entry of L. A., *sec.* 102. Drainage

* The italicised words are referred to in *sec.* 25.

Sec. 23. of New Buildings, sec. 157, and Model Byelaws, p. 537. Notices, secs. 94, 266, 267. Form of Notice, Schedule IV., "A.," p. 93.

24. Power of L. A. to require Houses to be drained into New Sewers.

The L. A. may close any House-drain communicating with any Sewer, where the same, though effectual for the drainage of the House, is not adapted to the general Sewerage System of the District, or is otherwise in the opinion of the L. A., objectionable, conditionally on such L. A. providing at their own expense other and equally effective drainage.

Discontinuance of Sewers, sec. 18. Exam. of Drains on complaint of N., sec. 41. Power of entry of L. A., sec. 102. Mode of defraying expenses of L. A., sec. 207. Power to make deduction from rates, sec. 224.

25. Penalty on building House without Drains in URBAN District.

It shall be unlawful for any person in any URBAN District to—

(a) Newly erect any House; or

(b) Rebuild any House pulled down to or below the ground floor; or

(c) Occupy any House so erected or rebuilt, unless and until a Drain be constructed in accordance with the provisions of, and communicating with any Sewer or Cesspool as provided by, sec. 23. (*See italics, sec. 23.*)

Penalty £50 for erecting or rebuilding any Houses, or for constructing any Drain, otherwise than in accordance with this Section.

Nuisanees, sec. 91. Exam. of Drains on complaint of N., sec. 41. Drainage of New Buildings, sec. 157, and Model Byelaws, p. 537. Definition of New Building, sec. 159. Rec. of penalty, sec. 251. Limitation of time of complaint, sec. 252. Restriction on rec. of penalties, sec. 253. Investment of R. A. with powers of U. A., sec. 276.

26. Penalty on Unauthorized Building over Sewers and under the Carriageway of any Street in an URBAN District.

Penalties £5 and 40s. daily after notice of offence from the URBAN A., on any person who, without the consent of the U. A.—

(a) Erects any Building over any Sewer of the U. A.;

(b) Constructs any Vault, Arch or Cellar under the Sec. 26.

Carriageway of any Street (*def.*);

and such A. may alter, pull down or otherwise deal with such Building, Vault, Arch or Cellar, and recover summarily any expenses so incurred by them.

Rec. of penalty, secs. 251, 257. Limitation of time of complaint, sec. 252. Restriction on rec. of penalties, sec. 253. Notices, secs. 266, 267.

Investment of R. A. with powers of U. A., sec. 276; also—

P. H. Acts Amendt. Act, 1890: As to repair of Cellars under Streets, sec. 35, p. 113.

Towns Impt. Clauses Act, 1847: Covering for Collar-doors to be made by Occupier, sec. 73, p. 154.

Towns Police Clauses Act, 1847: Penalty for defective Coverings to Cellars, sec. 28, p. 162.

DISPOSAL OF SEWAGE (Sec. 27–34).

27. Powers for disposing of Sewage.

For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of Sewage, a L. A. may—

- (1) Construct any Works *within*, or (subject to the provisions of this Act, *secs.* 32–34), *without* their District;
- (2) Contract (*sec.* 174) for the use of, purchase, or take on lease, any Land (*secs.* 175, 176), Buildings, Engines, Materials or Apparatus either within or without the District;
- (3) Contract to supply Sewage (for any period not exceeding 25 years), and as to the execution and costs of works of Supply either within or without their District;

provided that in the exercise of the above powers no N. shall be created.

Maintenance and making of Sewers, *secs.* 15, 16. Sewage to be purified before being discharged into Streams, *sec.* 17. Power to deal with land appropriated to Sewage purposes, *sec.* 29. Nuisances, *sec.* 91. Power to borrow on credit of Sewage plant and land, *sec.* 235. Execution of Works in adjoining Districts, *sec.* 285; also—

P. H. Acts Amendt. Act, 1890: Injurious Matters, Chemicals, Steam, etc., not to pass into Sewers, *secs.* 16, 17, p. 105.

Rivers Poll. Prev. Act, 1876: Discharge from Factories not to prejudicially affect Disposal of Sewage, *sec.* 7, p. 135.

P. H. (Support of Sewers) Amendt. Act, 1883: Support of Sowers in Mining Districts, *sec.* 3, p. 142.

28. Power to agree for Communication of Sewers with Sewers of Adjoining District.

The Local Authorities of adjoining Districts may by agreement, and with the sanction of the L. G. B., connect their respective Sewers (*def.*) in such manner and on such terms and conditions as may be agreed between them, or, in case of dispute, as may be settled by the L. G. B.

Storm
water to
be ex-
cluded.

Provided that, so far as is practicable, no Storm Water be discharged from the Sewers of the one A. into those of the other A. ; or (except by consent) any Sewage from Districts other than the two in agreement.

Use of Sewers without District, sec. 22. Construction of Sewage Works without District, sec. 27. Power to execute Works without District and Joint execution of Works, sec. 285.

29. Power to deal with Land appropriated to Sewage Purposes.

Any L. A. may deal with Land held by them for the storage, disinfection or distribution of Sewage as follows—

(1) Grant lease (not exceeding 25 years) for agricultural purposes ;

(2) Contract for the disposal of all or part of produce of Land ;

No N. to
be created.

(3) Farm the Land, and dispose of produce ;
provided that the whole of the Sewage shall be effectually disposed of without creating a N.

Powers for disposing of Sewage, sec. 27. Purchase and letting of Land, secs. 175-177.

30. Contribution to Works under Agreement for Supply or Distribution of Sewage.

The L. A. may contribute to the expense of executing any Agreement made under *sec. 27 (sub-sec. 3)*, or may become shareholders in any Company with which any such Agreement may be made, or to which the benefits and obligations arising therefrom may be transferred or vested.

31. Application of "The Improvement of Land Act" to Works for Supply of Sewage.*

* IMPROVEMENT OF LAND ACT, 1864. Sec. 9 (*sub-secs. 1-12*) authorizes various improvements of land, the nature of which are further extended by

The making of Works of Distribution and Service for the supply of Sewage to lands for Agricultural purposes, shall be deemed an "Improvement of Land," authorized by *The Improvement of Land Act*, 1864, and the provisions of that Act shall apply accordingly. (*See foot-note.*)

AS TO SEWAGE WORKS WITHOUT DISTRICT (Secs. 32-34).

32. Notice to be given before commencing Sewage Works without District.

A L. A. shall, before commencing any Sewer or Work for Sewage purposes *without* their District, give 3 months' Notice thereof by advertisement in a local Newspaper. Such Notice to specify—

- (a) Nature of work ;
- (b) Termini thereof ;
- (c) Names of Parishes, Turnpike Roads, Streets or other Lands interfered with ;
- (d) Place where a plan of the work may be inspected at all reasonable hours.

Copies of such Notice to be served on the Overseers of such parishes, upon the Trustees, Highway Surveyors (*sec.* 144), or other persons having care of such roads or streets, and upon the reputed Owners or Lessees and Occupiers of such lands.

Powers for making Sewers, *sec.* 16. Disposal of Sewage without District, *sec.* 27. Communication of Sewers with adjoining District, *sec.* 28. Arbitration, *secs.* 179-182. Power to execute Works in adjoining District, *sec.* 285. Entry on lands for purposes of Act, *sec.* 305.

33. In case of Objection, Works not to be commenced without sanction of L. G. B.

If any of the Owners, Trustees, etc. (*sec.* 32), or any other Owner, Lessee or Occupier affected by the intended Works, serves a written objection thereto upon the L. A. within the said 3 months, such Work (failing withdrawal

this *sec.*, as follows, viz.:—"The making of Works of Distribution and service for the Supply of Sewage to Lands for Agricultural purposes."

The provisions of the following Acts, viz.:—The Settled Land Act, 1882 (extending those of The Improvement of Land Act, 1864), The Malicious Injuries to Properties Act, 1861, and The Drainage Act, 1861, also deal generally with the improvement of land, but have no specific bearing on the above section (*sec.* 31, P. H. A., 1875).

Sec. 33. of such objection) shall not be commenced without the sanction of the L. G. B. after Inquiry (*Inquiries*, sec. 293).

34. Inspector to hold Inquiry and report to L. G. B.

On the application of the L. A., the L. G. B. may inquire (*sec.* 293) on the spot as to the propriety of the intended Work and as to the objections thereto, and may allow, disallow, or modify such Works.

PRIVIES, WATERCLOSETS, DRAINS, ETC. (Secs. 35-41).

ALSO SEE BYELAWS MADE UNDER SECS. 44 AND 157 OF THIS ACT, AND UNDER SEC. 23, PUBLIC HEALTH ACT, AMENDMENT ACT, 1890 (p. 540).

35. Penalty on building Houses without Privy Accommodation.

Penalty £20 for erecting any House (*def.*), or re-erecting any House pulled down to or below the ground floor (*sec.* 159) without a sufficient Water-closet, Earth-closet (*sec.* 37), or Privy, and an Ash-pit,* furnished with proper doors and coverings.

Drains, Privies, etc., to be properly kept, *sec.* 40. Exam. of Drains on complaint of N., *sec.* 41. Cleansing of Privies E.C.'s, etc., *secs.* 42-44. Power of entry of L. A., *sec.* 102. Rec. of penalties, *sec.* 251. Limitation of time of complaint, *sec.* 252. Restriction on rec. of penalties, *sec.* 253; also—

P. H. Acts Amendt. Act, 1890: Definition of Ash-pit, *sec.* 11, p. 100. Water supply to W.C.'s, *sec.* 23, p. 109. Rooms over Privies, etc., not to be used as Dwelling, etc., Rooms, *sec.* 24, p. 110.

36. Power of L. A. to enforce Provision of Privy Accommodation for Houses.

On the Report of the Surveyor (*def.*) or Inspector of Nuisances that *any* House is without a sufficient Water-closet, Earth-closet (*sec.* 37), or Privy, and an Ash-pit* furnished with proper doors and coverings, the L. A. shall by Notice (*secs.* 94, 266, 267) require the Owner (*def.*) or Occupier thereof to provide the same, or either of them, as the case may require, within a reasonable period specified therein.

Failing compliance, the L. A. may do the work specified in the Notice (*sec.* 94), and recover the expenses summarily, or may by Order declare the same to be P. Impt. Exps.

Provided that the L. A. *need not* require a separate

W.C.'s,
etc., used in
common.

* Definition of Ash-pit: P. H. Acts Amendt. Act, 1890, *sec.* 11, p. 100.

Water-closet, Earth-closet, or Privy to each House where the same has been, is, or may be in their opinion, common to several houses. Sec. 36.

Exam. of Drains on Complaint of N., sec. 41. Overflow from W.C.'s, sec. 47. Houses to be supplied with Water, sec. 62 (also P. H. (Water) Act, 1878, secs. 3, 6). Nuisances, sec. 91. Power of entry of L. A., sec. 102. Power of Owner to execute works, sec. 306 (b). Private Impt. Expenses, sec. 216. Summary proceedings for rec. of Expenses, secs. 251–257. Notices, secs. 94, 266, 267. Form of notice, Schedule IV., "A."; also—

P. H. Acts Amendt. Act, 1890: Water supply to W.C.'s, sec. 23, p. 109. Rooms over Privies not to be used as Dwelling, etc., Rooms, sec. 24, p. 110.

37. Earth-closets (*viz. any place for the reception and deodorization of Fæcal Matter constructed to the satisfaction of the L. A.*).

With the approval of the L. A., any Enactment requiring a Water-closet, shall be satisfied by an Earth-closet, in which case the Water supply required for such Water-closet may be dispensed with on terms agreed between the L. A. and the Water Authority.

The L. A. may themselves or by contract (*sec. 173*) with any other person supply dry Earth or other deodorant to any Earth-closet. L. A. may supply deodorants.

38. Separate Privy Accommodation in Factories for both Sexes (*repealed where sec. 22, P. H. Acts Amendment Act, 1890, is in force, p. 108*).

On the report of the Surveyor (*def.*) that any House is, or is intended to be, used for any Manufacture, Trade or Business involving the simultaneous employment of both sexes, the L. A. may by Notice (*secs. 94, 266, 267*) require the Owner (*def.*) or Occupier to construct within a specified time a sufficient number of Water-closets, Earth-closets or Privies and Ash-pits for the separate use of each sex.

Penalty £20 and 40s. daily for non-compliance with Notice.

Drains, Privies, etc., to be properly kept, sec. 40. Exam. of Drains, Privies, etc., on complaint of N., sec. 41. Cleansing of E.C.'s, etc., secs. 42–44. Nuisances in Factories, sec. 91. Rec. of penalty, sec. 251. Limitation of time of complaint, sec. 252. Restriction on rec. of penalties, sec. 253. Form of notice, Schedule IV., "A."

P. H. Acts Amendt. Act, 1890: Water supply to W.C.'s, sec. 23, p. 109.

39. Public Necessaries in URBAN Districts.

Sec. 39.

An URBAN A. *may* provide and maintain in proper and convenient situations, Urinals, Water-closets, Earth-closets, Privies, Ash-pits,* and other similar conveniences for public accommodation.

Public receptacles for rubbish, sec. 45. Investment of R. A. with powers of U. A., sec. 276.

40. Drains, Privies, etc., to be properly kept.

Every L. A. shall provide that all Drains, Water-closets, Earth-closets, Ash-pits,* and Cesspools, shall be constructed and kept so as not to be a N. or injurious to health.

Power to enforce drainage of undrained Houses, sec. 23. Penalty for building Houses without Drains, sec. 25. Exam. of Drains, Privies, etc., on complaint of N., sec. 41. Power of L. A. to undertake Cleansing of E.C.'s, secs. 42, 43. Overflow from W.C.'s, sec. 47. N., sec. 91 (2). Power of entry of L. A., sec. 102. Defaulting L. A., sec. 299; also—

P. H. Acts Amendt. Act, 1890: Water supply to W.C.'s, sec. 23, p. 109.

41. Examination of Drains, Privies, etc., on Complaint of N. (*This section is extended by sec. 19, P. H. Acts Amendment Act, 1890, where adopted, p. 107.*)

Entry for
examina-
tion.

On receipt of a written application that any Drain, Water-closet, Earth-closet, Privy, Ash-pit,* or Cesspool on, or belonging to, any Premises (*def.*), is a N. or injurious to health (but not otherwise), the L. A. may, by writing, empower their Surveyor or Inspector of Nuisances to open up and examine the same after 24 hours' Notice to the Occupier of such premises; or, in case of emergency, without Notice.

Notice *re*
alteration.

If found to be in a proper condition, the L. A. shall make good all damage and defray the expenses of the work.

If otherwise, or any alteration or amendment be required, the L. A. shall by Notice (*secs.* 94, 266, 267) to the Owner or Occupier, require him within a reasonable time specified therein, to do the necessary works.

Private
Improve-
ment
Expenses.

Daily penalty 10s. for non-compliance with such Notice, and the L. A. may execute the work and recover the expense from the Owner summarily, or by Order, declare the same to be P. Impt. Exps.

Power of L. A., to enforce drainage of undrained Houses, sec. 23. Drainage into New Sewers, sec. 24. Penalty for building House without Drains,

* Definition of Ash-pit: P. H. Acts Amendt. Act, 1890, sec. 11, p. 100.

sec. 25. Provision as to W.C., etc., accommodation, secs. 35–39. Drains, Sec. 41. Privies, etc., to be properly kept, sec. 40. Cleansing of E.C.'s, etc., secs. 42, 43. Overflow from W.C.'s, etc., sec. 47. Nuisances, sec. 91. Private Impt. Expenses, sec. 213. Rec. of penalties and expenses and limitation of time of complaint, sec. 251–257. Restriction on rec. of penalty, sec. 253. Notices, secs. 94, 266, 267. Power of Owner to execute works, sec. 306. Form of notice, Schedule IV., "A."; also—

P. H. Acts Amendt. Act, 1890: p. 97. Injurious Matter, Chemicals, Steam, etc., not to pass into Sewers, secs. 16, 17. Water supply to W.C.'s, sec. 23.

Rivers Poll. Prev. Act, 1876: L. A. to afford facilities for drainage of Factories, sec. 7, p. 135.

SCAVENGING AND CLEANSING (Secs. 42–47).

REGULATIONS AS TO CLEANSING STREETS AND REMOVAL OF HOUSE REFUSE.

42. L. A. to provide for Cleansing of Streets and Removal of Refuse. (*See also the P. H. Acts Amendment Act, 1890, sec. 26 (2), p. 111.*)

Any LOCAL A. *may* (or if required by the L. G. B., *shall*) undertake or Contract for—

- | | | |
|--|---|--|
| <p>(a) The removal of House Refuse,</p> <p>(b) The cleansing of Earth-closets, Privies, Ash-pits,* and Cess-pools,</p> | } | <p>either for the whole or any part of their District.</p> |
|--|---|--|

House
refuse,
cleansing
privies, etc.

Any URBAN A., or RURAL A., if invested with the requisite power, (*sec. 276*), *may* (and when required by the L. G. B., *shall*) undertake or Contract for—

- (c) The proper cleansing of Streets;
and *may* also undertake or Contract for—
- (d) The proper watering of Streets for the whole or any part of their District.

Cleansing
and water-
ing streets.

Penalty £5 for obstructing the removal by the L. A. (or Contractor), of any matter herein authorized to be removed. Provided that no penalty shall be incurred by the Occupier of a House in respect of any such matters produced on his premises and intended to be removed for sale or for his own use, if in the meantime kept so as not to be a N. Obstructing L. A.

Profits made by the Sale or Disposal of House Refuse by the L. A. shall be allocated as follows— Sale of
house
refuse.

- (1) In an U. District, to the General District Fund or Rate (*sec. 209*).

* Definition of Ash-pit: P. H. Acts Amendt. Act, 1890, sec. 11, p. 100.

Sec. 42.

(2) In a R. District, in respect of a Contributory Place, towards the Expenses incurred under this Section in such Contributory Place (*secs.* 229, 230).

Byelaws imposing Duties (*a, b, c*), on Owner, *sec.* 44. Removal of Filth, *sec.* 49. Removal of Refuse from Mews, etc., *sec.* 50. Nuisances, *sec.* 91. Power of Surveyors of Highways, *sec.* 144. Agreement to cleanse, etc., Private Streets, *sec.* 148. Vesting of Streets in U. A., *sec.* 149. Contracts, *sec.* 174. Rec. of penalty, *sec.* 251. Limitation of time of complaint, *sec.* 252; also—

P. H. Acts Amendt. Act, 1890, p. 97. Occupiers to facilitate removal of House Refuse, etc., by L. A., *sec.* 26. Provision for keeping Common Courts and Passages clean, *sec.* 27.

Towns Police Clauses Act, 1847: Penalty for depositing Offensive Matter in Streets, *sec.* 28, p. 162.

43. Penalty on Neglect of L. A. to remove Refuse, etc.

Daily penalty 5s. on any L. A. who, having undertaken or contracted for the removal of House Refuse, or the cleansing of Earth-closets, Privies, Ash-pits, and Cesspools (*sec.* 42), have failed (without reasonable excuse) to perform such offices in connection with any premises within seven days from the receipt of written Notice from the Occupier thereof.

Privies, Water-closets, etc., *secs.* 35–41. Rec. of penalty, *sec.* 251. Restriction on rec. of penalty, *sec.* 253.

44. Power of L. A. to make Byelaws imposing Duty of Cleansing, etc., on Occupier.

When the L. A. do not (*under sec.* 42) themselves undertake or contract for—

(*a*) The cleansing of Footways and Pavements adjoining premises;

(*b*) The removal of House Refuse from any premises;

(*c*) The cleansing of Earth-closets, Privies, Ash-pits,* and Cesspools belonging to any premises;

they may make *Byelaws* imposing the duty of such cleansing or removal, at specified intervals, on the Occupier of any such premises.

Byelaws re
Snow,
Filth, etc.

An URBAN A. may also make *Byelaws* for—

(*a*) The prevention of Nuisances arising from Snow, Filth, Dust, Ashes, or Rubbish;

* Definition of Ash-pit: P. H. Acts Amendt. Act, 1890, *sec.* 11, p. 100.

- (b) The prevention of the keeping of Animals on any premises so as to be injurious to health. Sec. 44.
Animals.

Power of L. A. to undertake Duties (*sub-secs. a, b, c*), sec. 42. Nuisances on premises, sec. 47. Removal of Filth, sec. 49. Periodical removal of Manure, etc., sec. 50. Nuisances, sec. 91. Power of entry of L. A., sec. 102. Making of Byelaws, secs. 182–187; also Byelaws under this Section, p. 579.

P. H. Acts Amendt. Act, 1890: Power of U. A. to make Byelaws for certain Sanitary purposes, sec. 26 (1), p. 111. Provision for keeping Common Courts and Passages clean, sec. 27, p. 111.

Towns Police Clauses Act, 1847: Penalty for depositing Offensive Matter in Streets, sec. 28, p. 162.

45. Power of URBAN A. to provide Receptacles for Deposit of Rubbish.

An URBAN A. may provide—

- (1) Receptacles in proper and convenient situations for the temporary deposit and collection of Dust, Ashes, and Rubbish;
- (2) Buildings and Places for the deposit of Matters collected by them in pursuance of this part of this Act.

Public Necessaries, sec. 39. Acquisition of land, sec. 175. Mode of defraying expenses, sec. 207. Investment of R. A. with powers of U. A., sec. 276.

46. Houses to be purified on Certificate of Officer of Health or of two Medical Practitioners.

When, on the Certificate of the Medical Officer, or of any two Medical Practitioners, it appears to any L. A. that any House (*def.*) or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying thereof would tend to prevent or check infectious disease, such A. shall give Notice (*secs.* 94, 266, 267) to the Owner (*def.*) or Occupier, to whitewash, cleanse, or purify the same, as the case may require.

Daily penalty 10s. for non-compliance with such Notice within the period specified therein, and the L. A. may themselves do the work and recover the expense summarily.

Limewashing Common Lodging-houses, sec. 82. Nuisances, sec. 91. Houses unfit for human habitation, sec. 97. Power of entry of L. A., sec. 102. Rec. of penalty, expenses and limitation of time of complaint, sec. 251–257. Notices, secs. 94, 266, 267. Power of Owner to execute works, sec. 306. Form of notice, Schedule IV., “A.”

Factories Act, 1878, *re* Factories, Workshops, and Bake-houses, secs. 33–37.

47. Penalty in respect of Certain Nuisances on Premises.

Penalty 40s. and 5s. daily on any person who in an URBAN District—

- | | |
|-------------------------|---|
| Swine, etc. | (a) Keeps any Swine or Pigstye in any Dwelling-house, or so as to be a N. (<i>sec.</i> 44); |
| Stagnant water. | (b) Suffers any Waste or Stagnant Water to remain in any Cellar or Dwelling-house for 24 hours after written Notices from the U. A. to remove the same; |
| Leakage from W.C., etc. | (c) Allows the contents of any W.C., Privy, or Cesspool to overflow or soak therefrom (<i>sec.</i> 44). |

The U. A. shall moreover cause every such N. to be abated, and may recover summarily the expenses thereof from the Occupier of the premises.

Privies, W.C.'s, etc., *sec.* 35–40. Exam. of Drains, Privies, etc., on complaint of N., *sec.* 41. Cleansing of Privies, etc., *sec.* 42–44. Purification of Houses, *sec.* 46. Nuisances, *sec.* 91. Power of Entry of L. A., *sec.* 102. Rec. of penalties, expenses and limitation of time of complaint, *secs.* 251–257. Notices, *secs.* 94, 266, 267. Investment of R. A. with powers of U. A., *sec.* 276. Form of notice, Schedule IV., “A.”; also—

Towns Police Clauses Act, 1847: Penalty for keeping Pigstye unenclosed from Street, or Pigs near any Street so as to be a N., *sec.* 28, p. 162.

OFFENSIVE DITCHES AND COLLECTIONS OF MATTER (Secs. 48–50).

48. Cleansing of Offensive Ditches adjacent to or forming the Boundaries of Districts.

Where any Watercourse or Ditch adjacent to or forming the Boundary of two Districts, is foul, offensive, and injurious, any Justice having jurisdiction within the one District may, on the application of the L. A. thereof, summon the L. A. of the adjoining District before a Court of S. J. to show cause why an Order should not be made for cleansing such Watercourse, etc., and for executing such permanent or other structural Works as may appear necessary to such Court. The Court may also make an Order as to the execution (and by whom) of such Works, the apportionment of the cost thereof and the time and mode of payment.

Nuisances, *sec.* 91. Power of entry of L. A., *sec.* 102. Compensation for damage by L. A., *sec.* 308; also—

P. H. Acts Amendt. Act, 1890: Penalty for throwing Cinders, Filth, etc., into Streams, *sec.* 47, p. 118.

Rivers Poll. Prev. Act, 1876: Prohibition as to putting Solid Matter,

Sewage, or Drainage from Factories or Mines into Streams, secs. 2, 5, p. 131. Sec. 48.
 As to pollution of Streams without Districts, sec. 8, p. 135.
 Highway Act, 1835, Power of Surveyor of Highways to make, cleanse,
 etc., Ditches, sec. 67, p. 447.

49. Removal of Filth on Certificate of Inspector of Nuisances.

Where in any URBAN District it appears to the Inspector of Nuisances that any accumulations of Manure, Dung, Soil, Filth, or other Offensive or Noxious Matter ought to be removed, he shall give Notice (*secs.* 94, 266, 267) to the Owner thereof, or to the Occupiers of the premises (*def.*) whereon it exists, to remove the same.

In default of Removal within 24 hours, such accumulations may be vested in, sold, or disposed of by the U. A., and any surplus proceeds, after payment of expenses, to be paid to the Owners; any expenses not so covered being recoverable summarily (*sec.* 251) from (1) the Owner of such accumulations, or (2) from the Occupier of the premises, or, (3) if no Occupier, from the Owner of the premises.

Removal of House Refuse, secs. 42-44. Removal of Manure, sec. 50. Nuisances, sec. 91. Power of L. A. to sell Manure, sec. 101. Power of entry of L. A., sec. 102. Rec. of expenses, secs. 251-257. Notices, secs. 94, 266, 267. Form of notice, Schedule IV., "A."; also—

Towns Police Clauses Act, 1847: Penalty for depositing Offensive Matter in Streets, sec. 28, p. 162.

50. Periodical Removal of Manure from Mews and other Premises in URBAN District.

Notice (by public announcement or otherwise) may be given by an URBAN A. for the periodical removal of Manure or other Refuse Matter from Mews, Stables, or other Premises.

Daily penalty 20s. for non-compliance with such Notice, or for permitting further accumulations and not continuing the specified periodical removals.

Removal of House Refuse, secs. 42-44. Removal of Filth, sec. 49. Nuisances, sec. 91. Power of entry of L. A., sec. 102. Rec. of penalty, sec. 251. Limitation of time of complaint, sec. 252. Restriction on rec. of penalty, sec. 253. Notices, secs. 94, 266, 267. Investment of R. A. with powers of U. A., sec. 276.

WATER SUPPLY (Secs. 51-67, p. 179).

PROVISIONS FOR PROTECTION OF WATER (Secs. 68-70, p. 187).

REGULATIONS AS TO CELLAR DWELLINGS AND
LODGING-HOUSES (Secs. 71-89),

AS TO CELLAR DWELLINGS (Secs. 71-75).

71. Prohibition of occupying Cellar Dwellings.

It shall be illegal to let, occupy, or suffer to be occupied (*def. sec. 74*) *separately* as a Dwelling any Cellar (including in that expression any Vault or Underground Room) built or rebuilt after the passing of this Act, or *not so let or occupied* at the time of the passing of this Act.

72. Existing Cellar Dwellings to be occupied only on Certain Conditions.

It shall be illegal to let, occupy, or suffer to be occupied (*def., sec. 74*) *separately* as a Dwelling *any Cellar whatsoever*, unless the following requisitions are complied with, viz.—

Conditions
of Occu-
pation.

- (1) Minimum height from floor to ceiling 7 feet, of which 3 feet at least is above the surface of Street or ground adjoining;
- (2) An open Area provided, 2 feet 6 in. wide, abutting upon and extending the entire frontage of the Cellar, from 6 in. below the floor level up to the surface of the Street or ground (*see proviso*);
- (3) Effectual drainage provided, by means of a drain, the uppermost part of which is one foot, at least, below the floor level (*sec. 23*);
- (4) Appurtenant use of Water-closet, Earth-closet, or Privy and Ash-pit, furnished with proper doors and coverings (*sec. 36*);
- (5) Fireplace with proper Chimney or Flue provided;
- (6) An external window, 9 sup. feet area, exclusive of frame and sash, opening in manner approved by the Surveyor (except in the case of an inner or back cellar in the same letting and occupation as the front cellar, in which case the external window shall not be less area than 4 sup. feet);

See Bye-
laws for
drains,
W.C.'s,
etc., p. 537.

Provided that in the area adjoining any Cellar there may be steps for access thereto, if the same be so placed (1) as not to be over, across, or opposite the external window, and

(2) as to allow a clear space of 6 inches between such steps Sec. 72. and the cellar wall.

There may also be Steps *over and across* such area for access to any Building *above* the Cellar, if such Steps be placed so as not to be over, across, or opposite to such external window.

P. H. Acts Amendt. Act, 1890 : As to repair of Cellars under Streets, sec. 35, p. 113.

Towns Impt. Clauses Act, 1847 : Coverings to Cellar-doors, sec. 73, p. 154.

Towns Police Clauses Act, 1847 : Penalty for defective Cellar-doors, etc., sec. 28, p. 162.

73. Penalty on Persons offending against Enactment.

Penalty 20s. daily on any person who, after Notice (*secs.* 266, 267) from the L. A., occupies or knowingly suffers to be occupied (*sec.* 74) for hire or rent any Cellar contrary to the provisions of *secs.* 71, 72.

Rec. of penalty, sec. 251. Limitation of time of complaint, sec. 252. Restriction on rec. of penalty, sec. 253. Notices, *secs.* 266, 267.

74. Definition of occupying as a Dwelling, viz. :—

Any Cellar in which any person passes the night.

75. Power to close Cellars in case of 2 Convictions.

When 2 Convictions against any Act relating to the occupation of a Cellar as a *separate* Dwelling-house have taken place within 3 months (whether the persons convicted were the same or not) a Court of S. J. may direct the temporary closing of such premises or empower the L. A. permanently to close the same and to defray any expenses incurred thereby.

COMMON LODGING-HOUSES (*Secs.* 76–89).

BYELAWS AS TO HOUSES LET IN LODGINGS (*Sec.* 90).

NUISANCES (*Secs.* 91–111).

91. Definition of Nuisances, viz. :—

- | | |
|--|---|
| (1) Any Premises (<i>def.</i>); | } in such a state as to be a N., or injurious to Health. |
| (2) Any Pool, Ditch, Gutter, Water- | |
| course, Privy, Urinal, Cesspool, Drain, or Ash-pit; | |

that no N. has been created under this Act, if Sec. 91. satisfied that the same has been constructed in such manner as to consume (as far as practicable) all Smoke arising therefrom—and that such Fire-place or Furnace has been carefully attended to by the person in charge thereof.

Nuisances arising from Sewage Pollution, sec. 17. Cleansing Sewers, sec. 19. Disposal of Sewage, sec. 27. Land for Sewage purposes, sec. 29. Privies, W.C.'s, etc., secs. 35–40. Exam. of Drains on complaint of N., sec. 41. Removal of House Refuse, Cleansing W.C.'s, etc., secs. 42–44. Purification of Houses, sec. 46. Keeping of Swine, Stagnant Water, Leakage from W.C.'s, etc., sec. 47. Offensive Ditches and Accumulations of Filth, secs. 48–50. Pollution of Water, Streams, Wells, secs. 68–70. Proc. *re* Nuisances, secs. 93–96. Houses unfit for human habitation, sec. 97. Power of entry of L. A., sec. 102. Nuisances in Streets, sec. 171; N. by several persons, sec. 255.

P. H. Acts Amendt. Act, 1890: Injurious Matters, Chemicals, Steam, etc., not to pass into Sewers, secs. 16, 17, p. 105. Penalty for throwing Cinders, Filth, etc., into Streams, sec. 47, p. 118.

Towns Police Clauses Act, 1847: Penalty for keeping Pigstye or Swine adjacent to Streets so as to be a N., or for depositing Offensive Matter in Streets, sec. 28, p. 162.

Housing of the Working Classes Act, 1885: Nuisances arising from human Occupation of Tents and Vans, sec. 9, p. 314.

Local Gov. Act, 1894. Additional powers of Parish Council as to Nuisances, sec. 8 (*f*), p. 394.

92. Duty of L. A. to inspect District for detection of N.

It shall be the duty of every L. A. from time to time to inspect their District with a view to ascertain what Nuisances exists and to enforce this Act in order to abate the same; also to enforce any Act in force within their District requiring Fireplaces and Furnaces to consume their own Smoke (sec. 91). Smoke Nuisance.

Power of entry of L. A., sec. 102. Defaulting L. A., secs. 106, 299. Abatement of N. without District, sec. 108. Appointment of N. Inspector, secs. 189, 190.

93. Information of Nuisances to L. A.

Information may be given to a L. A. of any N. under this Act (sec. 91), within their District by any—

- (1) Person aggrieved thereby; or
- (2) Two inhabitant householders of such District;
- (3) Officer of such Authority, or Relieving-officer, Constable, or Police-officer of such District.

Exam. of Drains, Privies, etc., on complaint of N., sec. 41. Power of aggrieved person to take proceedings, sec. 105.

94. Local A. to serve Notice requiring Abatement of N.

On receipt of information, the L. A. shall, if satisfied of the existence of a N. (*sec.* 91), serve a Notice (*secs.* 266, 267) on the person by whose act, default, or sufferance the N. arises or continues (or if such person cannot be found, on the Owner (*def.*) or Occupier of the premises), requiring him to abate the same within a specified time, and to do all Works and things necessary for that purpose.

Provided that—

N. arising
from
structural
defects.

(1) Where the N. arises from the want, or defective construction of any structural convenience—or where there is no Occupier of the premises—Notice shall be served on the Owner;

Procedure
where per-
son causing
N. cannot
be found.

(2) Where such person causing the N. cannot be found (*sec.* 100), and it is clear that the N. does not arise or continue by the act, default, or sufferance of the Owner or Occupier, the L. A. may themselves abate the same without further Order.

Proceedings may be taken by individual aggrieved by N., *sec.* 105. L. G. B. may authorize police to take proceedings, *sec.* 106. Defaulting L. A., *secs.* 106, 299. Abatement of N. without District, *sec.* 108. Limitation of time of complaint, *sec.* 252. Proceedings for N. committed by several persons, *sec.* 255. Notices, *secs.* 266–267. Form of Notice, Schedule IV., Form A., p. 93.

95. On Non-compliance with Notice, Complaint to be made to Justice.

If such person fails to comply with any of the Requisitions of the Notice (*sec.* 94), or if the N., though abated, is in the opinion of the L. A. likely to recur, such A. shall make complaint to a Justice, who shall thereupon summon such person to appear before a Court of S. J.

Defaulting A., *secs.* 106, 299. Limitation of time of complaint, *sec.* 252. Form of Summons, Schedule IV., Form B., p. 93.

96. Power of Court to make Order dealing with N.

If the Court is satisfied that—

(1) The alleged N. exists; or

(2) Although abated, it is likely to recur;

they shall make an Order—

(a) requiring such person to comply with all the requirements of the Notice (*sec.* 94), or otherwise to abate the N. within a specified time ; or

(b) prohibiting the recurrence of the N. ; or

(c) both requiring abatement and prohibiting recurrence.

In each case directing the execution of any necessary works therefore.

The Court may also, by their Order, impose a *penalty of* £5, and shall also give directions as to payment of all costs of the L. A. up to the time of the hearing or making of the Order.

Power of entry of L. A., *sec.* 102. Appeal against Order, *secs.* 99, 268, 269. Rec. of Penalty, *sec.* 251.

97. Order of Prohibition in case of House unfit for Human Habitation.

Where the N. (*sec.* 91) is such as, in the opinion of the Court, renders the House (*def.*) or Building unfit for Human Habitation, the Court may prohibit its use therefore, until in their opinion, it has been rendered fit for that purpose. On the Court being satisfied thereon, they may determine their previous Order by another Order declaring the same habitable. Revocation of Order.

Overcrowding of Houses, *sec.* 109. Byelaws as to Houses unfit for human habitation, p. 546. Form of Order, Schedule IV. "C."; also—

Housing of the Working Classes Act, 1885, p. 313: Nuisances arising from Tents, Vans, etc., in human occupation, *sec.* 9.

Housing of the Working Classes Act, 1890, p. 316: Dwelling Houses unfit for human habitation, *secs.* 30, 31. Closing of Houses unfit for human habitation, *secs.* 32-37. As to letting of Houses of limited value, *sec.* 75.

98. Penalty for Contravention of Order of Court.

Daily penalty 10s. for disobeying an Order (*sec.* 96) to abate a N., unless the Court are satisfied that due diligence has been used to carry the same out.

Daily penalty 20s. for knowingly and willingly acting contrary to an Order for prohibition (*sec.* 97).

Moreover, the L. A. may themselves enter the premises and abate the N., recovering the cost summarily from the person on whom the Order is made. L. A. may themselves abate N.

Power of entry of L. A., *secs.* 102, 305. Rec. of Penalties and Expenses, *secs.* 251-257. Defaulting L. A., *sec.* 299. Obstruction of L. A., *sec.* 306.

99. Appeal against Order to Quarter Sessions.

Where an Order is appealed against (*secs.* 268, 269), no liability to penalty shall arise, proceedings be taken, or work done until such appeal has been determined or withdrawn.

100. In Certain Cases Order may be addressed to L. A.

Whenever the Court of S. J. are satisfied that the person responsible for the N. (*sec.* 91), or the Owner or Occupier of the premises (*def.*) is not known or cannot be found, then the Order (*sec.* 96) may be addressed to and executed by the L. A. (*sec.* 94 (2)).

Form of Order, Schedule IV., Form D., p. 93.

101. Power to sell Manure, etc.

Any matter or thing removed by the L. A. in abating any N. (*sec.* 91) may be sold by Public Auction; and the proceeds applied to payment of the L. A.'s expenses; the surplus (if any) to be paid, on demand, to the owner.

Removal of House Refuse, *sec.* 42-44. Removal of Filth, *sec.* 49.
Periodical Removal of Manure, *sec.* 50.

102. Power of Entry of L. A.

The L. A. shall be admitted into any premises (*def.*) in order to—

- Smoke
Nuisance.
- (1) Examine as to the existence of any N. thereon; or
 - (2) Enforce any Act in force within the District requiring
Fireplaces and Furnaces to consume their own
smoke;

between 9 a.m. and 6 p.m.; or, where the N. arises from any business, at the usual business hours.

Where, under this Act—

- (a) A N. has been ascertained to exist; or
- (b) An Order for abatement or prohibition (*secs.* 96, 97)
has been made,

the L. A. shall be admitted into the premises (*def.*) between the hours aforesaid until the N. is abated, or the Works ordered are completed.

Where an Order for abatement or prohibition has not been complied with, or has been infringed, the L. A. shall be

admitted at all reasonable hours (or at all hours when such business is in progress, or is usually carried on) into the premises in order to abate the same. Sec. 102.

If admission is refused, any Justice may, on complaint by the L. A. (made after reasonable Notice of such intention to the custodian of the premises), by Order* require the custodian to admit the L. A.; and, if no custodian can be found, shall (on oath made before him as to that fact) by Order authorize the L. A. to enter the premises. Any such Order shall continue in force till the N. has been abated, or the necessary Works completed.

If admission refused, complaint to be made to justice.

Entry on land for purposes of Act, secs. 305, 306.

103. Penalty for Disobedience of Order.

Penalty £5 for refusing to obey a Justice's Admission Order (*sec.* 102).

Rec. of Penalty, *sec.* 251. Restrictions on rec. of Penalty, secs. 252, 253. Penalty on obstructing execution of Act, *sec.* 306.

104. Costs and Expenses of L. A. recoverable from person on whom Order (*secs.* 96, 97) is made; or where no Order made, or made on L. A., then from the person in default. Costs recoverable from Owner (*def.*) may be recovered from Occupier and deducted from Rent. * * * *

Rec. of Penalties and Expenses, secs. 251–257. Demands below £50, *sec.* 261.

105. Complaint by Aggrieved Individual.

Similar proceedings (*sec.* 95), incidents, and consequences to be taken or had in respect of a N. (*sec.* 91) where complaint is laid before a Justice by aggrieved Individual, as if laid by the L. A.

106. Police Officers may take Proceedings.

The L. G. B. may authorize Police Officers to take proceedings in respect to a N. (*sec.* 91) where the L. A. have made default in relation thereto, and to recover costs not otherwise obtained, from such Defaulting Authority. * *

Defaulting L. A., *sec.* 299.

* Form F., Schedule IV., p. 93.

107. Proceedings in Superior Court.

Where Summary Proceedings (*sec.* 251) to abate a N. (*sec.* 91), or recover Penalties, etc., in relation to N., are not deemed adequate by L. A., proceedings may be taken in any Superior Court.

108. Power to proceed where Nuisance arises without District.

Where any N. (*sec.* 91) appears to be wholly or partially caused by any act or default *without* the District, the L. A. may take the same proceedings as if the N. occurred wholly *within* their District; provided that summary proceedings shall only be taken in a Court situate within the District where such N. arises.

Metropolis. This section shall extend to the Metropolis so far as to authorize proceedings to be taken by any—

- (1) Nuisance A. in the Metropolis in respect of any N. within the area of their jurisdiction, arising within the District of a L. A. under this Act;
- (2) L. A. in respect of any N. within their District arising within the Metropolis.

* * * * *

Restriction on rec. of Penalties, *sec.* 253.

109. Closing of House in Case of Two Convictions for Overcrowding (*sec.* 91).

When two Convictions under any Act relating to the Overcrowding of a House have taken place within 3 months (whether the persons convicted were or were not the same), a Court of S. J. may, on the application of the L. A., direct the closing of the House for such period as the Court may deem necessary.

Proceedings for overcrowding to be taken under *secs.* 93-96. Houses unfit for human habitation, *sec.* 97.

110. Provisions as to Ships (other than her Majesty's, or some Foreign Government).**111. Provisions of Act relating to Nuisances not to affect other remedies.**

OFFENSIVE TRADES (Secs. 112-115).

UNSOUND MEAT (Secs. 116-119).

INFECTIOUS DISEASES AND REMOVAL TO HOSPITALS
(Secs. 120-130).

HOSPITALS (Secs. 131-133).

131. Power of L. A. to provide Hospitals.

Any L. A. may for the use of the Inhabitants of their District—

- (1) Themselves build Hospitals or temporary places for reception of the sick ; or
- (2) Contract for the use of any Hospital (or part thereof), or place of reception ; or
- (3) Enter into agreements with the Managers of any Hospital for the reception of sick inhabitants of their district, on payment of an agreed annual sum.

Two or more Local Authorities may combine in providing a common Hospital. Joint Hospitals.

Power to purchase Lands, secs. 175-176. Mode of defraying expenses of U. A., sec. 207, and of R. A., sec. 229. Borrowing powers, sec. 233.

* * * * *

PREVENTION OF EPIDEMIC DISEASES (Secs. 134-140).

MORTUARIES * (Secs. 141-143.)

141. Power of L. A. to provide Mortuaries.

Any L. A. may (and if required by the L. G. B., shall) provide and fit up a Mortuary, and may make *Byelaws*† respecting the management and charges for the use of the same ; they may also provide for the decent and economical interment, at charges to be fixed by such Byelaws, of any dead body received into a Mortuary. Interments.

Power to purchase Lands, sec. 175. Making of Byelaws, secs. 182-188. Mode of defraying Expenses of U. A., sec. 207, and of R. A., sec. 229. Borrowing powers, sec. 233.

* The provisions respecting Mortuaries are extended to Cemeteries by the P. H. (Interments) Act, 1879 (with which is incorporated the Cemeteries Clauses Act, 1847), see p. 167.

† Byelaws as to construction and management of Mortuaries are issued by the L. G. B.

142. Justice may in certain cases order removal of dead body to Mortuary.

143. Power of L. A. to provide Places for Post-mortem Examinations.

Any L. A. may provide and maintain a proper place (other than at a Workhouse or Mortuary) for the conduct of Post-mortem Examinations ordered by a Coroner or other constituted Authority, and may make Regulations with respect to the management of such place.

*

*

*

*

*

*

Making of Regulations, sec. 188.

PART IV.

LOCAL GOVERNMENT BOARD PROVISIONS

(Secs. 144-172).

HIGHWAYS, STREETS, AND BUILDINGS IN URBAN DISTRICTS (Secs. 144-160).

HIGHWAYS (Secs. 144-148).

144. Powers of Surveyors of Highways and of Vestries under the Highways Acts to vest in URBAN A.*

Every URBAN A.* shall be exclusive Surveyor of Highways,† and shall exercise and be subject to all the powers, authorities, duties, and liabilities of such Office (save so far as the same may be inconsistent with the provisions of this Act), and also to such as are vested in and given by the Highways Acts, to the Vestry of any Parish situate within their District.

U. A. to be
Surveyor
of High-
ways.

All ministerial acts required by Act to be done by, or to, the Surveyor of Highways may be done by, or to, the Surveyor to, or other person appointed by, the U. A.

Penalty for unauthorized building over Carriageways, sec. 26. Cleansing and Watering Streets, sec. 42. Cleansing Footways by Occupiers, sec. 44. Repairs to Streets by U. A. under Agreement, sec. 148. Vesting of Streets in U. A., sec. 149. Power to compel Paving of Private Streets, sec. 150. Dedication of Private Streets, sec. 152. Lighting of Streets, sec. 161; also—Quarry (Fencing) Act, 1887: Fencing of Pits, etc., adjacent to Highways, sec. 3, p. 147.

Towns Impt. Clauses Act, 1847, p. 149: Coverings for Cellar-doors to be made by Occupier, sec. 73. Dangerous holes in or near Streets to be repaired or enclosed, sec. 83.

Towns Police Clauses Act, 1847: Penalty for defective Coverings to Cellars, sec. 28, p. 162.

P. H. Acts Amendt. Act, 1890, p. 97: Provision for keeping Common Courts and Passages clean, sec. 27. As to the repair of Cellars under Streets, sec. 35. Refuges in Streets, sec. 39. Cabmen's Shelters in Streets, sec. 40. Statues, Monuments, and Trees, in Streets, secs. 42, 43.

Local Gov. Act, 1888,—Maintenance of Main Roads by C. C., sec. 11, p. 371.

* As to the application of this section to Rural District Councils, see Local Gov. Act, 1894, sec. 25, p. 401.

† For powers and duties of Surveyor of Highways, see Highways Acts, 1835-1891 (pp. 436-489); Loco. Acts, 1861-1878 (pp. 490-501); Tramway Act, 1870 (pp. 417-436); Railway Clauses Acts, 1845-1863 (pp. 502-514).

145. Inhabitants of URBAN Districts* not to be liable to Rates for Roads *without* District.

The inhabitants within an URBAN District* shall not, in respect of any property situate therein, be liable to payment of Highway Rates (*secs.* 216, 217) or other payment (not-being a Toll) for making or repairing Roads or Highways without such District.

*

*

*

*

*

*

146. Power of URBAN A.* to agree as to making New Public Roads.

An URBAN A. may agree with any person—

- (a) For the making of Roads within their District for public use, through the Lands and at the expense of such person.
- (b) That such Roads shall become Highways.
- (c) For the payment by the U. A. (with the consent of two-thirds of their number) of any portion of the expenses of construction.

Power to compel Paving, etc., of Private Streets, *secs.* 150–152, and references thereto.

147. Power of URBAN A.* to construct or adopt Public Bridges, etc., over or under Canals, etc.

An URBAN A.* may agree with the Proprietors thereof—

- (a) To adopt as parts of Highways any existing or proposed Bridge, Viaduct, or Arch (and the approaches thereto), over or under any Canal, Railway, or Tramway; or
- (b) To themselves construct any such Bridge, etc., at the expense of the Proprietors; or
- (c) With the consent of two-thirds of their number, pay any portion of the expenses of the construction or alteration of any such Bridges, etc., or of the purchase of lands required for foundations or for approaches thereto.

As to construction or adoption of Bridges, see Highways and Loco. (Amendt.) Act, 1878, *secs.* 21–22 (p. 480), and references and notes thereto.

* As to the application of this section to Rural District Councils, see Local Gov. Act, 1894, sec. 25, p. 401. .

148. Power of URBAN A.* to enter into Agreements with Parties as to Repairs, etc., of Roads.

An URBAN A.* may agree with—

- (a) The Trustees of any Turnpike Road;† or
- (b) Any Person liable to repair any Street (*def.*) or Road; or
- (c) The Surveyor of any County Bridge;

to maintain, repair, cleanse, or water any such Streets or Roads, or any Road over a County Bridge and the approaches thereto, or any part of the said Streets or Roads within their District; * * * * *

Cleansing and Watering Streets, sec. 42. Cleansing Footways by Occupiers, sec. 44; also—

P.H. Act Amendt. Act, 1890: Cleansing of Common Courts and Passages, sec. 27, p. 111.

Highways Act, 1835: Repair of Highways lying in two Parishes, secs. 58-60, p. 445.

Local Gov. Act, 1894: Power to Parish Council to acquire Right of Way, sec. 8 (g), p. 394. Parish C. may undertake repair of Public Footpaths, sec. 13, p. 397.

REGULATIONS AS TO STREETS AND BUILDINGS IN URBAN ‡ DISTRICTS (Secs. 149-160).

149. Vesting of Streets, etc., in URBAN A.

All Highways in an URBAN District, and the Pavement, Stones, and other materials thereof, and all Buildings, Implements, and other things provided therefore, shall vest in and be under the control of the U. A.

Such U. A. shall, from time to time, level, pave, metal, U. A. to flag, channel, alter, and repair§ such Highways, and may repair roads. also from time to time, raise, lower, or alter the level thereof, as also place and maintain Fences and Posts for the safety of foot-passengers.

Penalty £5 for wilfully displacing, taking up, or injuring the Pavement, Stones, Materials, Fences, Posts, or Trees in any Highway: together with a sum of 5s. for every square foot of Pavement or other material so displaced or injured, Penalty for injuring paving, etc.

* As to the application of this section to Rural District Councils, see Local Gov. Act, 1894, sec. 25, p. 401.

† See note as to Extent of Turnpike Rds., p. 479.

‡ Investment of R. A. with powers of U. A., sec. 276.

§ Highway out of Repair (see Highway Act, 1835, sec. 94, p. 455). Complaint by Parish C. of default of District C. to maintain Highways (see Local Gov. Act, 1894, sec. 16, p. 397).]

Sec. 149. and, in the case of injury to Trees, such compensation as the Court may award.

Penalty for unauthorized building under Carriageway, sec. 26. Cleansing of Streets and Footways, sec. 42-44. Highway Repairs, sec. 144. Interference with Gas and Water pipes, sec. 153. Lighting and Laying of Gas-pipes, sec. 161. Byelaws as to New Streets, sec. 157, and p. 522; also P. H. Acts Amendt. Act, sec. 23, p. 109. Rec. of Penalty, 251. Alteration of Sewers, etc., sec. 331; also—

Quarries (Fencing) Act, 1887, p. 147: Fencing of Pits, etc., adjacent to Highways, sec. 3.

Towns Impt. Clauses Act, 1847, p. 149: Improving line of Streets and removing Obstructions, sec. 66-74. Coverings for Cellar-doors to be made by Occupier, sec. 73. Ruinous and Dangerous Buildings, secs. 75-78. Precautions during construction and repair of Sewers, Streets, sec. 79-82. Dangerous holes in or near Streets to be repaired or enclosed, sec. 83.

Towns Police Clauses Act, 1847, p. 159: Penalty for defective Coverings to Cellar-doors, sec. 28. Penalty for Obstructions and Nuisances in Streets, sec. 28.

P. H. Acts Amendt. Act, 1890, p. 97: Cleansing of Common Courts and Passages, sec. 27. As to repair of Cellars under Streets, sec. 35. Refuges in Streets, sec. 39. Cabmen's Shelters in Streets, sec. 40. Statues, Monuments, and Trees in Streets, sec. 42, 43.

Tramways Act, 1870, p. 417: Breaking up of Streets, secs. 26, 27. Repair of Road where T. is laid, sec. 28. Road A. and Promoters may contract for paving Roads on which T. is laid, sec. 29. Right of Authorities and Companies to open Roads, sec. 32.

Local Gov. Act, 1888: Vesting of Main Roads in C. C., sec. 11, p. 371.

Electric Lighting Act, 1882, p. 260: sec. 12,

Electric Lighting Provisional Order, p. 282, secs. 9-16,

Waterworks Clauses Act, 1847, p. 200: secs. 28-34, 52,

Gasworks Clauses Act, 1847, p. 224: secs. 6-12,

Railway Clauses Act, 1845, p. 502, secs. 52-58, 66,

Tramway Act, 1870, p. 417, secs. 26-29,

See also Highways Acts, 1835-1891 (pp. 436-489), Loco. Acts, 1861-1878, pp. 490-501, Tramway Act, 1870 (pp. 417-436), Railway Clauses Acts, 1845-1863 (pp. 502-514).

} Power to break up Streets.

150. Power to compel Paving, etc., of Private Streets in URBAN District. (*Where the Private Street Works Act, 1892, is adopted, this section is repealed, p. 121*).

Where any Private Street within an URBAN District, or the Carriageway, Footway, or other part of such Street is *not sewered, levelled, paved, metalled, flagged, channelled, and made good*, or is *not lighted to the satisfaction of the U. A.*, they may, by Notice addressed to the respective Owners (*def.*) or Occupiers of the premises (*def.*) fronting, adjoining, or abutting on such parts, require them to do such Works within a specified time.

Surveyor
to prepare
plans and
estimates.

Before giving such Notice the Surveyor (*def.*) shall prepare Plans and Sections of the required Works (in the case of a Sewer, showing its depth below the ground surface) and an Estimate of the probable cost thereof; such plans,

sections (drawn to a not less scale than 88 feet to an inch Sec. 150. horizontal, and 10 feet to an inch vertical) and Estimates to be deposited in the office of the U. A. and to be open at all reasonable hours for inspection during the time specified in such Notice.

If such Notice is not complied with, the U. A. *may* If works not done, U. A. may execute them. execute the works referred to therein and recover the cost summarily (*secs. 251–257, 261*), from the Owners, according to the frontage of their respective premises and in the proportion settled by the Surveyor or (in case of dispute) by Arbitration (*secs. 179–181*); or may by order declare the same to be Private Impt. Expenses (*sec. 213*).

Should *any* part of such Street be a *public* Footway, or repairable by the U. A., the same proceedings may be taken Where part of street is public. and the same powers exercised as fully as if *no* part of such Street was so repairable.

Dedication of Private Streets, *sec. 152*. Byelaws as to New Streets, *sec. 157*, and *p. 522*; also *P. H. Amendt. Act, 1890, sec. 23*, and *p. 565*. Lighting of Streets, *sec. 161*. Contracts, *sec. 174*. Arbitration, *sec. 179*. Private Impt. Expenses, *sec. 213*. Rec. of Expenses, *secs. 251–257, 261*. Apportionments conclusive unless disputed within three months, also as to service of Demand, *sec. 257*. Appeal to L. G. B., *sec. 268*. Notices, *secs. 266, 267*. Form of Notice requiring Owner to make up, *Schedule IV. "G."*; also—

P. H. Acts Amendt. Act, 1890, p. 97; Definition of "Paved," *sec. 11*. Cleansing of Common Courts and Passages, *sec. 27*.

Highway Act, 1835: Dedication of New Highways in Rural Districts, *sec. 23, p. 440*.

151. Exemption of Incumbent of Church, etc., as Owner from Expenses under last Section. (*Where the Private Street Works Act, 1892, is adopted, this section is repealed, p. 121.*)

Expenses under the preceding section shall not be charged on the Incumbent or Minister, as Owner or Occupier of any Church, Chapel, or place of public worship (by law exempt from Poor Rates), or of any Churchyard or Burial-ground attached thereto; and the U. A. *may* undertake any Works from the expenses of which the Incumbent, etc., is hereby exempted.

152. Power to declare Private Streets when Sewered, etc., to be Highways. (*Where Part III., P. II. A. Amendt. Act, 1890 (sec. 41, p. 117), is adopted, this Section is repealed. Both these sections are however repealed where the Private Street Works Act, 1892, is adopted, p. 121.*)

Sec. 152.

When any Private Street in an URBAN District has been *sewered, levelled, paved, flagged, metalled, channelled, and made good and provided with proper means of lighting to the satisfaction of the U. A.*, they may, by Notice in writing, put up in such Street (and entered amongst the proceedings of such A.) declare the same to be a Highway.

Owners
may object
to dedica-
tion.

Provided that the same shall not become a Highway, if within one month after such Notice has been put up, the proprietors (or majority in numbers thereof, joint proprietors being reckoned as one proprietor) make written objection thereto to the U. A.

Power to compel paving, etc., of Private Streets, sec. 150. Definition of "Paved," see P. H. Acts Amendt. Act, sec. 11, p. 100.

153. Power to require Gas and Water Pipes to be moved.

Where for the purposes of this Act an URBAN A. require the level or situation of any Water or Gas Pipes, Plugs, or other Waterworks (*def.*) or Gasworks in or under any Street (*def.*), to be altered, they may by Notice (*secs.* 266, 267) require the Owner (*def.*) to raise, sink, or alter the situation of the same in such manner, and within such reasonable time as is specified therein. If not complied with, the U. A. may themselves make the required alteration. Provided that—

Pipes, etc.,
not to be
perma-
nently
injured.

(a) No alteration shall be required or made so as to permanently injure any such pipes, mains, plugs, or works, or to prevent the flow of water or gas as freely as before; and that

(b) The expenses of such alterations be paid by the U. A., except where the same are directed by any local Act to be borne by the Owners of such pipes or works.

Compensation in case of Damage by L. A., sec. 308.

154. Power to purchase Premises for Improvement of Streets in URBAN District.

Any URBAN A. may purchase any premises (*def.*) for the purpose of widening, opening, enlarging, or otherwise improving any Street (*def.*), or (with the sanction of the L. G. B.) for the purpose of making any New Street.

New
Streets.

Power to make Roads by Agreement, sec. 146. Purchase or Sale of Surplus Lands, sec. 175. Entry on Lands for Survey, etc., sec. 305; also—

Towns Impt. Clauses Act, 1847, p. 149: Improving Line of Streets and Sec. 154. removing Obstructions, secs. 66-74.

155. Power to regulate Line of Buildings in URBAN District.

When any Building (or the front thereof) situate in any Street (*def.*) in an URBAN District has been taken down in order to be rebuilt or altered, the U. A. may prescribe the line to which any Building (or the front thereof) to be erected or re-erected in the same situation, shall be erected.

Proviso as to Railway Buildings, sec. 157. Byelaws as to open Space in front of Buildings, No. 42, p. 535; *def.* "New Building," sec. 159.

Towns Impt. Clauses Act, 1847. Improving Line of Streets and removing Obstructions, sec. 66-74, p. 152.

Provided that the U. A. shall pay or tender compensation (in case of dispute, the amount to be settled by arbitration, *Compensation by U. A.* *sec.* 179) to the owner or other person immediately interested therein, for any loss or damage he may have sustained thereby.

Limitation of time of complaint, sec. 252.

156. Buildings not to be brought Forward. (*As amended by the P. H. Building-in-Streets Act, 1888, p. 96.*)

Without the written consent of the URBAN A. no Building (or part thereof) shall be erected or brought forward in any Street (*def.*), or any addition made thereto, beyond the front main wall of the Building on either side thereof in the same Street.

Daily penalty 40s. after Notice (*secs.* 266, 267) of Offence from the U. A.

Proviso as to Railway Buildings, sec. 157. Rec. of Penalty, sec. 251. Limitation of time of complaint, sec. 252. Restriction on rec. of Penalty, sec. 253; *def.* "New Building," sec. 159.

Towns Impt. Clauses Act, 1847, p. 149: Buildings not to be brought forward, sec. 66. Improving Line of Streets and removing Obstructions, secs. 66-74.

Highway Act, 1835: Encroachments on Highways, sec. 69, p. 447, and references and notes thereto.

157. Power to make Byelaws respecting New Buildings in URBAN District. (*Extended by sec. 23, P. H. Acts Amendment Act, 1890, where adopted, p. 109.*)

Every URBAN A. may make *Byelaws* respecting--

- (1) The level, width, construction, and sewerage of *Provisions of bye-laws.*
New Streets;

Sec. 157.

- (2) The structure of Walls, Foundations, Roofs, and Chimneys of *New Buildings* (*def. sec. 159*), for securing stability, prevention of Fires, and for purposes of health;
- (3) The sufficiency of space about *Buildings* to secure a free circulation of air, and to the ventilation of Buildings;
- (4) The drainage of *Buildings*, to Water-closets, Earth-closets, Privies, Ash-pits, and Cesspools in connection therewith (*secs. 21, 22, 35-38*); also to the closing of Buildings (or parts thereof) unfit for Human Habitation and to the Prohibition of their use for such Habitation. (*See sec. 46, 97; also Byelaws, p. 546.*)

Provisions may also be included in such *Byelaws* * as to the—

Notices,
inspection,
and re-
moval of
faulty
work, etc.

- (a) Giving of Notices and Deposit of Plans and Sections by persons intending to construct Streets or Buildings;
- (b) Inspection by the U. A.;
- (c) Power of the U. A. (subject to this Act) to remove, alter, or pull down any work contravening such Byelaws.

Provided that no such Byelaw shall affect any Building erected—

Exempted
buildings.

- (e) In an URBAN District prior to the Loc. Gov. Acts coming into force therein; or
- (f) In any place prior to its becoming an URBAN District, or becoming, by virtue of an Order of the L. G. B. (*under sec. 276*), subject to this enactment.

Railway
buildings
exempted.

This section, as also secs. 155, 156, shall not apply to Buildings belonging to any Railway Company and used for the purposes of such Railway under any Act.

Power to compel Drainage of Buildings, secs. 23-25. Privy, W.C., etc., Accommodation, secs. 35-38. Drains, etc., to be properly kept, sec. 40. Exam. of Drains on complaint of N., sec. 41. Making of Byelaws, secs. 182-186. Investment of R. A. with powers of U. A., sec. 276; also—

P. H. Acts Amendment Act, 1890, p. 97: Water supply to W.C.'s, and Byelaws as to alteration of Buildings, sec. 23. Rooms over Privies, etc., not to be used as Dwelling or Sleeping Rooms, sec. 24. Penalty for erecting Buildings on ground filled up with Offensive Matter, sec. 25 (also Byelaws, p. 524). Buildings described in deposited plans otherwise than as Dwellings

* For Byelaws as to New Streets and Buildings made under this section, and under secs. 23, P. H. Acts Amendment Act, 1890, see pp. 517-578.

not to be used as such, sec. 33. Means of egress and ingress from or to Sec. 157. places of public resort, sec. 36.

Towns Impt. Clauses Act, 1847, p. 149. Houses to be numbered and Streets named, secs. 64, 65. Doors not to open outwards, sec. 71. Ruinous and dangerous Buildings, sec. 75.

P. H. (Water) Act, 1878, p. 190. Houses to be supplied with Water, secs. 3, 6, 11; also sec. 62, P. H. A., 1875, p. 185.

158. As to Commencement of Works and Removal of Works made Contrary to Byelaws.

The URBAN A. shall within *one month* after the receipt of any Notice, Plan, or description of any intended Work (*see preceding section*), give written notification of their approval or disapproval of the same; if such Work be commenced after such Notice of disapproval or before the expiration of such month without such approval, and *is in any respect not in conformity with any Byelaw*, such A. may cause the Work to be pulled down or removed and may summarily recover the expenses so incurred from the person executing or causing the execution of such Work.

U. A. to notify approval of plans.

As to works improperly commenced.

Where—

- (a) An U. A. may (under this section) pull down or remove any Work begun or executed in contravention of any Byelaw; or
- (b) The beginning or the execution of the Work is an offence in respect whereof the Offender is liable (under any Byelaw) to a penalty,

the existence of such Work in such form and state as to be a contravention of the Byelaw, shall be deemed a continuing Offence; but a penalty shall not be incurred in respect thereof, *after the expiration of one year* from the day when the Offence was committed or the Byelaw was broken.

Continuing offences.

Limitation of Rec. of Penalty.

Limitation of time of Complaint, sec. 252. Rec. of Expenses, secs. 251–257. Notices, secs. 266, 267.

159. Definition of New Building.

For the purposes of this Act, the following shall be deemed to be New Buildings, viz.:—

- (1) The re-erection of any Building pulled down to or below the ground floor or any Frame Building of which only the framework is left down to the ground floor.

- Sec. 159. (2) The conversion into a Dwelling-house of any Building not originally constructed for human habitation.
- (3) The conversion into more than one Dwelling-house of a Building originally constructed as one Dwelling only.

Penalty for building House without Drains, sec. 25. Byelaws as to New Buildings, sec. 157, and Model Byelaws, p. 517; also—
P. H. Acts Amendt. Act, 1890; Byelaws as to Alterations, sec. 23, p. 110.

160. Incorporation of Certain Provisions of the Towns Improvement Clauses Act, 1847. (*For Incorporated Provisions, see p. 149.*)

The following provisions of the "Towns Improvement Clauses Act, 1847," shall be incorporated with this Act for regulating such matters in URBAN Districts, viz.:—with respect to—

- (1) Naming Streets and numbering Houses (*secs. 64, 65*).
- (2) Improving the Line of Streets and removing Obstructions (*secs. 66–74*).
- (3) Ruinous and Dangerous Buildings (*secs. 75–78*).
- (4) Precautions during the Construction and Repair of Sewers, Streets, Houses (*secs. 79–83*).

Notices
may be
served on
either
Owners or
Occupiers.

Notices for Alterations, Directions, and Orders under the "Towns Improvement Clauses Act, 1847" (*secs. 69–74*), may be served on Owners (*def.*) *instead* of Occupiers, or on *both* Owners and Occupiers, and, where Notices have been served upon the Owners, the costs of the Work executed may be recovered from the Owners. When recovered from the Occupier, so much of the cost may be deducted from the rent of the Premises as is allowed in the case of Private Impt. Rates (*sec. 214*) under this Act.

Rec. of Expenses, sec. 257. Notices, *secs. 266, 267*.

LIGHTING STREETS, ETC., IN URBAN DISTRICTS * (Secs. 161–165).

U. A. may
contract
with Gas
Co.

161. Powers of URBAN A. for Lighting their District.
An URBAN A. may contract for the supply of Gas or other means of lighting the Streets, Markets, and Public

* Lighting Streets in Rural D., see "Watching and Lighting Act, 1833," p. 245.

Buildings, and may provide Lamps, Lamp-posts, Apparatus, Sec. 161. and other necessary materials therefore.

Where no duly authorized Gas Company exists, the U. A. ^{Where no supply, U. A. may provide same.} may supply Gas throughout any part of their District; or, if a Gas Company is authorized to light part only of the District, then the U. A. may supply Gas to the remaining part.

Where an U. A. may so undertake to supply Gas, they ^{U. A. may obtain P. O.} may obtain a Prov. Order under the "Gas and Waterworks Facilities Act, 1870" (and Amendments), the term "Undertakers" in such Act to include such U. A. and the L. G. B. to be substituted for the Bd. of T.

Lighting of Private Streets, sec. 150. Lighting of Public Clocks, sec. 165; and P. H. Acts Amendt. Act, 1890, sec. 46. Contracts, sec. 173. Investment of R. A. with powers of U. A., sec. 276; also—

P. H. (Support of Sewers) Act, 1883: Support of Gas Mains in Mining Districts, sec. 3, p. 142.

Gasworks Clauses Act, 1847–1871: Supply of Gas by L. A. or by Company, p. 223.

Electric Lighting Act, 1882–1888, p. 253.

Local Gov. Act, 1888, Lighting of Main Roads, sec. 11 (11), p. 374.

162. Power for Sale of Undertaking of Gas Company to URBAN A.

An URBAN A. may, with the consent of the L. G. B., purchase . . . all the rights, powers, and privileges, and all or any of the Lands, Premises (*def.*), Works, and other property of the Company, but subject to all liabilities attached thereto.

Lighting of Private Streets, sec. 150. Lighting of Public Clocks, sec. 165; and P. H. Acts Amendt. Act, 1890, sec. 46. Contracts, sec. 173. Investment of R. A. with powers of U. A., sec. 276; also—

P. H. (Support of Sewers) Act, 1883: Support of Gas Mains, sec. 3, p. 142.

Gasworks Clauses Act, 1847–1871: Supply of Gas by L. A. or by Company, p. 223.

Electric Lighting Acts, 1882–1888, and P. O., pp. 253–277.

163. "Watching and Lighting Act, 1833" (p. 245), to be superseded by this Act.

Where the "Watching and Lighting Act, 1833," has been adopted in places constituted (or included in) URBAN Districts after the passing of this Act (or which by Order of the L. G. B. become subject to this Enactment, *secs.* 272, 276), the said Act shall be superseded by this Act, and all lamps, lamp-posts, gas-pipes, fire-engines, hose, and other ^{Lamp-posts, Fire-engines, etc.}

Sec. 163. property vested in the Inspectors under the said Act, shall vest in the A. having jurisdiction in such place under this Act.

* PUBLIC PLEASURE-GROUNDS, ETC. (Secs. 164, 165).

164. URBAN A.† may provide Places of Public Recreation. (*Sec. 45, "P. H. Acts Amendt. Act, 1890," empowers an U. A. to contribute towards the cost of laying out, etc., places of Public Resort.*)

An URBAN A.† may purchase, take on lease, lay out, plant, improve, and maintain lands as public walks or pleasure-grounds, and may support or contribute to public walks or pleasure-grounds provided by any person whomsoever.

Byelaws. They may also make *Byelaws* for the regulation of such grounds, etc., including provisions for the removal of any person infringing any such Byelaw.

Purchase of Land, sec. 175. Making of Byelaws, secs. 182–188. Entry on Lands for purposes of Act, sec. 305; also—

P. H. Acts Amendt. Act, 1890: Power to temporarily close parks and pleasure-grounds for Agricultural purposes; also as to Contribution by U. A., secs. 44, 45, p. 118.

Waterworks Clauses Act, 1863: Water Supply to Gardens, Fountain, and Ornamental purposes, sec. 12, p. 217.

As to Allotments for Recreation, see Inclosures Acts.

165. URBAN A. may provide Public Clocks. (*Sec. 46, "P. H. Acts Amendt. Act, 1890," empowers an U. A. to light, repair, etc., Public Clocks, p. 118.*)

An URBAN A. may provide and fix Clocks (and alter and remove the same) on any public building, or (with the consent of the Owner or Occupier) on any private building, and may cause the dials thereof to be lighted at night.

MARKETS AND SLAUGHTER-HOUSES * (Secs. 166–170).

166. URBAN A. may provide Markets.

Where an URBAN A. is a—

- (1) Local Board, or Improvement Commissioners (*def.*), they may, with the consent of the Owners and Ratepayers (*obtained as provided in Schedule III., p. 93*); or—

* Investment of R. A. with powers of U. A., sec. 276.

† As to the powers of a Parish Council under this Section, see Local Gov. Act, 1894, sec. 8, p. 394.

(2) Town Council, they may with the consent of two-thirds of their number,

do the following things, viz. :—

- (a) Provide a Market-place and construct a Market-house, and other conveniences for holding Markets ;
- (b) Provide Houses and places for weighing Carts;
- (c) Make convenient Approaches to such Markets;
- (d) Provide all necessary matters and things for the convenient use of such Market ;
- (e) Purchase, or take on lease, Land and public or private rights in Markets, and Tolls for any of the foregoing purposes ;
- (f) Take Stallages, Rents, and Tolls for the use by any person of such Market.

But no such Market shall be established so as to interfere with any rights, powers, and privileges enjoyed within the District by any person, without his consent (*Purchase of Lands, sec. 175*). Limitation on construction of Market.

167. Incorporation of Provisions of “Markets and Fairs Clauses Act, 1847,” as to Markets in URBAN D.

To enable any U. A. to establish or regulate Markets, the following provisions of the “Markets and Fairs Clauses Act, 1847,” shall be incorporated with this Act, viz. with respect to—

- (1) The holding of the Market or Fair and the protection thereof.
- (2) Weighing Goods and Carts.
- (3) Stallages, Rents, and Tolls (provided that all such tolls shall be approved by the L. G. B.).

An U. A. may make *Byelaws* relative to any of the purposes concerning Markets (belonging to them) mentioned in sec. 42, “Markets and Fairs Clauses Act, 1847 ;” printed copies of such Byelaws to be conspicuously exhibited in such Market. Byelaws.

Making of Byelaws, secs. 182–188. Defacing Notices, sec. 306. For Confirmation of above Byelaws, see P. H. (Confirmation of Bye-laws) Act, 1884.

168. Power for Sale of Undertaking of Market Company to URBAN A.

169. Power of URBAN A. to provide Slaughter-houses (*def.*).

Any URBAN A. may provide Slaughter-houses, and shall make *Byelaws* with respect to the management and charges for the use of the same.

Towns
Impt.
Clauses
Act, 1847.

The provisions of the "Towns Improvement Clauses Act, 1847" (*secs.* 125–131), with respect to Slaughter-houses shall be incorporated with this Act.

170. Notice to be affixed on Slaughter-houses.

POLICE REGULATIONS (Secs. 171, 172).

171. Incorporation of Certain Provisions of the "Towns Police Clauses Act, 1847."

The following provisions of the "Towns Police Clauses Act, 1847," shall be incorporated with this Act for regulating such matters in URBAN * Districts, viz. as to—

(a) Obstructions and Nuisances in Streets (*secs.* 21–29, p. 161).

(b) Fires (*secs.* 30–33, p. 163).

(c) Places of public resort (*secs.* 34–36).

(d) Hackney Carriages (*secs.* 37–68).

(e) Public Bathing (*sec.* 69).

The expression in the incorporated provisions "within the prescribed distance," shall mean within any URBAN District.

*

*

*

*

*

*

Prov. of Fire-plugs, *sec.* 66 (also see Waterworks Clauses Act, 1847, *secs.* 38–43,† and Towns Police Clauses Act, 1847, *sec.* 32 ‡). *Byelaws* for prevention of Fires, *sec.* 157, and p. 524. For Confirmation of *Byelaws* as to Hackney Carriages and Bathing, see P. H. (Confirmation of *Byelaws*) Act, 1884.

172. URBAN A. may make Byelaws for licensing Horses, Boats, etc., for Hire.

P. H. Acts Amendt. Act, 1890: Power of U. A. to provide or license Boats for hire, and make *Byelaws* regulating their use, *sec.* 44, p. 118.

* Investment of R. A. with powers of U. A., *sec.* 276.

† p. 204.

‡ p. 163.

PART V.

GENERAL PROVISIONS (Secs. 173-206).

CONTRACTS (Secs. 173, 174).

173. Power of LOCAL A. to Contract.

Any L. A. may enter into any Contracts necessary for carrying this Act into execution.

174. Provisions to Contracts by URBAN A.

Regulations in connection with Contracts made by an URBAN A. under this Act, viz. :—

- (1) Contracts exceeding £50 to be in writing, and under the common seal (*sec.* 7) of such A. Contracts exceeding £50.
- (2) Every such Contract to specify the required Work, Materials, matters, or things, the price to be paid, and the time of completion of the Contract.
- (3) Before contracting for any Works, the U. A. shall obtain from their Surveyor (*def.*) a written Estimate of the cost of their execution and annual maintenance, also a report as to the most advantageous mode of Contracting (*viz.* whether for their execution only, or for their execution and maintenance for a specified period or otherwise).
- (4) Before entering into any Contract of £100 or upwards, Contracts of £100. at least ten days' public Notice shall be given expressing the nature and purpose of the Contract, and inviting Tenders for its execution, sufficient security being taken for its due performance.

(5) * * * * *

Officers not to contract with L. A., *sec.* 193. Audit of Accounts, *secs.* 245-250. Investment of R. A. with powers of U. A., *sec.* 276.

PURCHASE OF LANDS (Secs. 175-178).

175. Power to purchase Lands.

Any L. A. may for the purposes of and subject to this Act, purchase, take on lease, sell, or exchange any Lands, whether situated within or without their District, and may also buy up any Water-mill, Dam, or Weir, which interferes with the proper Drainage of, or the Supply of Water (*sec.* 51) to, their District.

Surplus
lands to
be sold.

Any Lands not required for the purposes for which they were acquired shall (unless the L. G. B. otherwise direct) be sold.

Power to let Lands, *sec.* 177. Borrowing Powers, *secs.* 233, 234. Entry on Lands for Surveying, *etc.*, *sec.* 305.

176. Regulations as to Purchase of Land by L. A.

NOTE.—In respect to the purchase of Lands by a L. A., this Section provides for the incorporation of the Lands Clauses Consolidation Acts, 1845 (save provisions relating to special Act and Section 127), 1860, 1869, with this Act; and also defines regulations respecting: (1) Publication of nature of Works and other details; (2) Service of Notices on interested parties; (3) Application and enquiry by the Local Government Board—to be observed by the L. A. before enforcing the powers of such Acts.

177. Power to let Lands.

Any L. A. may (with the consent of the L. G. B.) let for any term any Lands (*def.*) belonging to them.

Purchase or Sale of Surplus Lands, *sec.* 175.

178. Provision for Lands belonging to the Duchy of Lancaster.

ARBITRATION (Secs. 179-181).

179. Mode of reference to Arbitration.

In case of—

- (a) Dispute as to the amount of any Compensation (*sec.* 308) to be made under this Act (except where mode of determining the same is specially provided for);
or
- (b) any matter authorized or directed by this Act to be settled by Arbitration;

then, unless both parties concur in the appointment of a Sec. 179. single Arbitrator, *each* party shall appoint an Arbitrator.

Compensation to Officers, see. 309. Arbitration as to Alteration of Sewers or as to injurious interference with Supply of Water by Dock, etc., Authorities, see. 333.

180. Regulations as to Arbitration.

181. Claims under £20 may be referred to Court of Summary Jurisdiction.

All questions referable to arbitration (*see*. 179) may, when the amount in dispute is under £20, be determined (at the option of either party) summarily.

Such Court may—

- (a) Require a Report from a competent Surveyor (not being the Surveyor to the L. A.) of any claim made by the L. A.; Report of independent surveyor.
- (b) Determine the amount of costs incurred in that behalf, and by whom such costs (or any part of them) shall be paid.

Compensation, see. 308.

BYELAWS * (Secs. 182–188).

182. Authentication and Alteration of Byelaws.

All Byelaws made by a L. A., under and for the purposes of this Act, shall be under their common seal; and any such Byelaw may be altered or repealed by a subsequent Byelaw made under this Act.

Provided that no such Byelaws shall be of any effect if repugnant to the Laws of England or to this Act. Byelaws repugnant to Law.

Byelaws inconsistent with Act, see. 315. Byelaws made before passing of Act, see. 326.

183. Power to impose Penalties on Breach of Byelaws.

Any L. A. may, by any Byelaws under this Act, impose Penalties on offenders; but no penalties under this, or any incorporated Act shall exceed £5 for each Offence, and in the case of a *continuing Offence*, a further penalty

* A list of the subjects on which Byelaws may be made is given on p. 582.

Sec. 183. not exceeding 40s. for each day after Notice (*secs.* 266, 267) of the Offence from the L. A.

Such Byelaws shall, however, be so framed as to allow the recovery of any sum less than the full amount of such penalty.

Summary proceedings for rec. of Penalty, sec. 251. Restrictions on rec. of Penalties, secs. 252-253.

184. Confirmation of Byelaws.

Byelaws shall not take effect until or unless—

(a) Confirmed by the L. G. B.

(b) One month's previous Notice of intention to apply for Confirmation has been given in a local Newspaper (*def.*).

(c) A copy of the Byelaws has been kept in the Office of the L. A. during office hours, for free inspection by Ratepayers, for one month before making such application.

A copy of the proposed Byelaws shall be supplied by the Clerk to the L. A. to any Ratepayer on payment of sixpence per hundred words.

For Confirmation of Byelaws made under secs. 68, 69, Towns Police Clauses Act, 1847; also under sec. 42, Markets and Fairs Clauses Act, 1847, see the P. H. (Confirmation of Byelaws) Act, 1884.

185. All Byelaws to be printed, etc.

All Byelaws shall be printed and hung up in the Office of the L. A., and a copy delivered to any Ratepayer making application therefore.

Byelaws by R. A. A copy of any Byelaw, made by a RURAL A., shall be transmitted to the Overseers of every parish to which such Byelaws relate for inspection by Ratepayers at all reasonable hours.

Defacing Notice Boards, sec. 306.

186. Evidence of Byelaws.

A copy of any Byelaws, made by a L. A. (not being the Council of a Borough), signed and certified by the Clerk thereto, shall be sufficient evidence (until the contrary be proved) in all legal proceedings of the due making, confirmation, and existence of such Byelaws.

187. Byelaws made under Sec. 90, "**Municipal Corporations Act, 1835**," * to be submitted to L. G. B.

All the provisions of this Act relating to Byelaws shall apply to Byelaws made by the Council of any Borough under Sec. 90 of the **Municipal Corporations Act, 1835**, for the prevention and suppression of certain Nuisances.

188. Provisions as to Byelaws not Applicable to Regulations of L. A.

Provisions relating to Byelaws shall not apply to Regulations; nevertheless any L. A. may publish such Regulations in any manner they deem fit.

Regulations are made under secs. 21, 125, 143, 189.

OFFICERS AND CONDUCT OF BUSINESS OF LOCAL AUTHORITIES (189-206).

OFFICERS OF LOCAL AUTHORITIES (Secs. 189-196).

189. Appointment of Officers of URBAN A.†

Every URBAN A. shall—

- (a) Appoint a Medical Officer, Surveyor, Inspector of Nuisances, Clerk, and Treasurer;
- (b) Appoint or employ necessary Assistants, Collectors, and other Officers and Servants;

and may make Regulations with respect to the duties and conduct of such Officers and Servants.

Such A. may (subject to the powers of the L. G. B. in the case of Officers any portion of whose Salary is paid from moneys voted by Parliament) pay to their Officers and Servants such reasonable salaries, wages, or allowances as they think proper, and (subject as aforesaid) may remove such Officer or Servant at their pleasure.

Duties of Medical Officer, sec. 191. Offices tenable by same person, sec. 192. Officers not to Contract with L. A., sec. 193.

* This Section (sec. 90, **Municipal Corporations Act, 1835**) is repealed by sec. 23, **Municipal Corporations Act, 1882**, which is substituted therefore.

† Investment of R. A. with powers of U. A., sec. 276.

190. Appointment of Officers of RURAL A.*

Every RURAL A. shall appoint a Medical Officer (or Officers) and Inspector (or Inspectors) of Nuisances, also necessary Assistants, Servants, and other Officers.

* * * * *

191. As to Medical Officer of Health.**192. Offices Tenable by same Person.**

The same person may be both Surveyor (*def.*) and N. Inspector; but neither the Treasurer nor his partner, nor any person in their employ shall be eligible as Town Clerk, or shall assist in his Office; and neither the Clerk nor his partner, nor any person in their employ shall be eligible as, or shall in any manner assist or officiate in the Office of, Treasurer.

Penalty (recoverable by any person) £100.

193. Officers not to Contract with L. A.†

Penalty £50 (recoverable by any person ‡) on any Officer or Servant of the L. A. under this Act who shall—

- (a) Be concerned in any Bargain or Contract made with such A.; or
- (b) Under colour of his Office, exact or accept any Fee or Reward whatsoever other than his proper Salary, Wages, or Allowances.

Such Officer, etc., shall also be incapable of continuing in, or hereafter holding any such Office or Employment under this Act.

See also the "Public Bodies Corrupt Practices Act, 1889," p. 164.

194. Officers intrusted with Money to give Security.

* Investment of R. A. with powers of U. A., sec. 276.

† The P. H. (Members and Officers) Act, 1885, amends sec. 193, thereby rendering it lawful for any Officer or Servant of the L. A. to be concerned in any Contract with such A.—

(a) As a Shareholder in any Joint Stock Company;
 (b) For the sale, purchase, leasing, or hiring of Lands, Rooms, or Offices; Or for any Member of the L. A. to be a Shareholder in any Newspaper in which the advertisements of such L. A. are inserted.

‡ Under the P. H. (Officers) Act, 1884, Proceedings cannot be taken under sec. 193, except with the written consent of the Attorney-General.

195. Officers to Account for Moneys received, and to pay over Rates within 7 days from Collection.

Audit, sec. 245-250.

196. Summary proceedings against defaulting Officers.

MODE OF CONDUCTING BUSINESS (Secs. 197-206).

197. URBAN A. to provide and maintain necessary Offices for transaction of business.

198. URBAN A. where Town Council to execute powers and duties under this Act in accordance with Laws respecting Municipal Corporations.

199. Meetings, etc., of URBAN A. not being a Town Council.

200. Power of URBAN A. to appoint Committees. (*In part repealed by Local Gov. Act, 1894, p. 413.*)

201. Power of RURAL A. to delegate their powers or duties to a Committee. (*Repealed by Local Gov. Act, 1894, p. 413.*)

202. Power of RURAL A. to form Parochial Committees.

203. Casual vacancies in Committees may be filled.

204. Meetings and proceedings of Committees. (*Repealed by Local Gov. Act, 1894, p. 413.*)

205. L. G. B. Inspectors may attend Meetings of RURAL A. or of Local Boards.

206. L. A. to make Annual Report.

Every L. A. shall make an Annual Report (in such form and at such time as the L. G. B. may direct) of all Works executed, Moneys received or Disbursements made, by them under this Act during the preceding year, and shall send a Copy to the L. G. B. An URBAN A. shall also publish a Copy in a local Newspaper.

Accounts of L. A., sec. 245. Audit, secs. 245-250.

PART VI.

RATING AND BORROWING POWERS, ETC.
(Secs. 207-250).EXPENSES OF URBAN AUTHORITY AND URBAN RATES
(Secs. 207-228).**207. Mode of defraying Expenses of URBAN A.***

Expenses incurred by an URBAN A. under this Act, and not otherwise provided for, shall be defrayed out of the District Fund and General District Rate.

* * * * *

Audit, secs. 245-250, of R. A., sec. 229. Highway Expenses, sec. 216.

208. Power of L. G. B. in certain cases by P. O. to alter Mode of defraying Expenses.

GENERAL DISTRICT RATE (Secs. 209-212).

209. District Fund Account of URBAN A.

A District Fund shall be continued and established in the District of every URBAN A. whose expenses are directed to be defrayed out of the District Fund and General District Rate; a separate account (called the "District Fund Account") of all Moneys carried to that Account, to be kept by the Treasurer of the U. A.

Moneys. Such Moneys to be applied in defraying all expenses chargeable thereon under this Act as the U. A. may determine.

210. Making General District Rate.

211. Assessment and Method of Collection, etc., of General District Rate.

* See Local Gov. Act, 1894, sec. 28 (p. 403), as to Expenses of Urban District Councils.

212. Inspection of Poor Rate Book for purposes of Assessment.

PRIVATE IMPROVEMENT RATE (Secs. 213-215).

213. Power to make Private Improvement Rate.

Whenever an URBAN A. have become liable to any expenses which are, or may be declared to be, Private Impt. Expenses, such A. may levy a Private Impt. Rate on the Occupier of the Premises (*def.*) of such amount as will discharge such expenses (together with interest thereon not exceeding 5 per cent. per annum) in such period not exceeding thirty years as the U. A. may determine.

Provided that should any Premises become unoccupied before such expenses are fully paid off, such Rate shall be paid by the Owner (*def.*) so long as they remain unoccupied.

5 per cent.
interest
may be
charged.
Unoccu-
pied
Premises.

Mode of defraying Private Impt. Expenses, secs. 233, 234, 240. Making and rec. of Rates, secs. 218-227, 256. Private Impt. Rates by R. A., sec. 232. Investment of R. A. with powers of U. A., sec. 276.

214. Proportion of Private Impt. Rate may be deducted from Rent.

215. Redemption of Private Improvement Rates by Owner or Occupier.

The Owner or Occupier of any Premises upon which any Private Impt. Rate has been assessed may redeem the same by paying the expenses (or such part thereof not already defrayed) in respect to which such Rate was made.

Provided that such redemption Money shall not be applied otherwise than in defraying expenses (or Loans borrowed to cover the same) incurred by the URBAN A. for Private Impt. Works.

HIGHWAY RATE (Secs. 216, 217).

216. Cost of Repairs of Highways in URBAN D.

Where in any URBAN District expenses under this Act are defrayed out of the District Fund and General District Rates, the cost of Highway Repairs shall (where no other

Sec. 216. mode of providing for such Repairs is provided by any Local Act) be defrayed as follows, viz.:—

- (1) Where the whole of the District is rated for Works of Paving, Water Supply, or Sewerage,—out of the General District Rate.
- (2) Where parts of the District are *not* rated for such Works,—out of a Highway Rate specially levied in such parts; elsewhere in the District,—out of the General District Rate.
- (3) Where no such Works are established,—out of a Highway Rate to be levied throughout the whole District.

* * * * *

District Fund and General District Rate, sec. 207.

Local Gov. Act, 1888. Maintenance of Main Roads by County Council, sec. 11, p. 371. Local Gov. Act, 1894. Highway Expenses of Rural District Council, sec. 29, p. 404.

217. Certain Legal Formalities not required in case of Highway Rate made by URBAN A.

GENERAL PROVISIONS AS TO URBAN RATES (Secs. 218–228).

218. Estimate to be prepared before making Rates.

Every URBAN A. shall, before proceeding to make a General District or Private Impt. Rate (*sec. 213*), prepare an Estimate of the money required for the purposes of such Rates showing—

- (1) The several sums required for each such purpose.
- (2) The Rateable value of the property assessable.
- (3) The amount of Rate required on each pound of such value,

such Estimate to be entered in the Rate Book, and be kept open to public inspection during office hours.

* * * * *

General District Rate, sec. 207. Private Impt. Rate, sec. 213.

219. Rates to be open to Inspection.

220. Description of Owner or Occupier in Rates, where name not known.

221. Rates may be Amended by URBAN A.

222. Publication and Collection of Rates.

223. Production of Rate Books to be evidence of Rates.

224. Power to make Deduction from Rate in Certain Cases.

Where it appears to an URBAN A. that any Premises (*def.*) were sufficiently drained before the construction of any New Sewer laid down by them, they may deduct such sum, for such time as they deem just, from the amount of Rates chargeable on such premises.

Power of L. A. to require Houses to be drained into New Sewers, sec. 24.

225. Power of URBAN A. to reduce or remit Rates.

226. Saving of existing Agreements.

227. Limit in Local Act not to apply to Rate for purposes of this Act.

228. Quota of Rates to be paid by the Universities, etc.

EXPENSES OF RURAL AUTHORITY (Secs. 229–232).

229. Expenses of RURAL A.*

The Expenses incurred by a RURAL A. under this Act shall be divided into General and Special Expenses.

(1) *General Expenses*, viz.:—

Expenses (other than those chargeable on Owners and Occupiers (*sec.* 232)) in connection with—

(a) The Establishment and Officers of the R. A. (*sec.* 190).

(b) The Disinfection and providing of Conveyances for infected persons (*secs.* 120–123).

(c) Other Expenses not determined by this Act or by the L. G. B. to be Special Expenses.

(2) *Special Expenses*, viz.:†

Expenses incurred in any Contributory Place (*def. sub-sec.*) in respect to the—

(d) Construction, maintenance, and cleansing of Sewers (*secs.* 14, 15, 16, 18, 19);

(e) Providing and maintaining a Supply of Water (if, and

* See Local Gov. Act, 1894, sec. 29 (p. 404), as to Expenses of Rural District Councils.

† See also P. H. Acts Amendt. Act, 1890, sec. 49, p. 119.

Sec. 229.

so far as the expenses thereof are not defrayed out of Water Rates or Rents under this Act (*sec. 56, p. 182; also P. II. (Water) Act, 1878, sec. 10, p. 196;*

(*f*) Possession of property transferred to the R. A. in trust for such Contributory Place;

and any other Expenses determined by Order of the L. G. B. to be Special Expenses (*appeal to L. G. B., sec. 268*).

(3) *Joint Contributory Places.*

Where the R. A. provide Sewers or Water Supply, or execute other Works for the common benefit of two or more Contributory Places, the expenses of providing and maintaining the same may be apportioned between such places and deemed Special Expenses.

Objections
against
Apportion-
ment.

The Overseers of any Contributory Place may, within twenty-one days after the Notice of Apportionment, memorialize the L. G. B., stating their grounds of complaint, and any Order made by such Board shall be final.

(4) *Payment of General and Special Expenses.*

General Expenses shall be payable out of a common Fund to be raised out of the Poor Rate of the parishes comprised in the District, according to the rateable value of the Contributory Places.

Special Expenses shall be a separate charge on *each* Contributory Place.

(5) *Definition of Contributory Places, viz.:—*

(*g*) Every Special Drainage District.

(*h*) Every Parish not having any part of its area in a Special Drainage District, or of an URBAN District.

(*j*) Where a Parish, situate *wholly* in a RURAL District, includes a Special Drainage District, or part thereof that portion of such parish as is not comprised therein.

(*k*) Where a Parish is situate partly within an URBAN District, the portion situate without such U. District, or without any such Special Drainage District as aforesaid.

Audit of Accounts, secs. 245–250. Special Drainage District, sec. 277.

230. Mode of Raising Contributions in RURAL District.

231. Remedy for Non-payment by Overseers of Amount required by Precept of RURAL A.

232. As to Private Improvement Expenses of RURAL A.

Whenever a RURAL A. have become liable to any Private Impt. Expenses, such A. may levy a Private Impt. Rate in the same manner as an U. A.

Private Impt. Expenses of U. A., secs. 213-215.

BORROWING POWERS (Secs. 233-244).

233. Power of L. A. to borrow on credit of Rates.

234. Regulations as to Exercise of Borrowing Powers, viz.:—

(1) Money to be borrowed for permanent Works only. Permanent Works.

(2) The total Loans contracted under the Sanitary Acts and this Act, not to exceed 2 years assessable value of the District or Contributory Place. Total Loans.

(3) L. G. B. Inspector to hold local Inquiry (*sec. 293*), where sum proposed to be borrowed would increase total Loans beyond 1 year's assessable value. L. G. B. Inquiry.

(4) Money borrowed to be paid off—

(a) Either by equal annual instalments of Principal, or Principal and Interest; or Mode of repayments.

(b) By setting apart as a Sinking Fund (and investing same in Government Securities) such sum as will, at compound interest, pay off the amount borrowed within the period sanctioned.

(5) * * * * *

(6) The time for the Repayment of Money borrowed to discharge a previous Loan shall not extend beyond— Period for Repayments.

(c) The unexpired period of the original Loan unless with the sanction of the L. G. B.;

(d) In any case, the period of 60 years from the date of the original Loan.

Where an URBAN A. borrow to defray Private Impt. Expenses (or Expenses in respect of which a part only of the District is liable), such U. A. shall make good, so far as they can, the money so borrowed as occasion Loan to defray Private Impt. Expenses.

Sec. 234. requires, either out of Private Impt. Rates (*sec.* 213), or out of a Rate levied in such part of the District as aforesaid.

Power of Public Works Loan Commissioners to lend to L. A., *secs.* 242, 243.
Borrowing powers of Joint Boards, *sec.* 244. L. G. B. Inquiries, *sec.* 293.

235. Power to borrow on Credit of Sewage Land and Plant.

236. Form of Mortgage authorized to be made under this Act.

237. Register of Mortgages.

238. Transfer of Mortgages.

239. Receiver may be appointed when payment by L. A. on mortgaged Rates, not made when due.

240. Rentcharge may be granted in respect of advances made for Private Improvements.

241. Rentcharges to be registered.

242. Power of Public Works Loan Commissioners to lend to L. A.

The Public Works Loan Commissioners may make a Loan to any L. A. for the purposes of this Act on the security of any Fund or Rate applicable to any purposes of this Act, without requiring further security.

243. Power of Public Works Loan Commissioners to lend to L. A. on Recommendation of L. G. B.

The Public Works Loan Commissioners may, on the recommendation of the L. G. B., make any Loan to any L. A. in pursuance of the Borrowing powers of this Act (whether for Works already, or yet to be, executed) without requiring further Security than the Fund or Rate applicable to any purposes of this Act.

Repayment
of Loans. Such Loan to be repaid within 50 years, at $3\frac{1}{2}$ per cent. per annum (or such other Rate as will prevent loss to the Exchequer).

Provided that—

- (1) In determining the time when a Loan shall be repayable, the L. G. B. shall have regard to the probable duration and continuing utility of the Works for which the Loan is required. Sec. 243.
- (2) This Section shall not extend to any Loan required to defray Expenses incurred by L. G. B. on default of L. A. Defaulting L. A.

* * * * *

Borrowing powers, secs. 233-235. Defaulting L. A., sec. 299.

244. Borrowing Powers of Joint Boards and Port Sanitary Authorities, and the Local Board of any Main Sewerage District, and any Joint Sewerage Board constituted under any of the Sanitary Acts.

Formation of United District, secs. 279-284. Port Sanitary Authority, secs. 287-291.

AUDIT OF ACCOUNTS OF LOCAL AUTHORITY (Secs. 245-250).

245. Accounts of L. A.

Accounts of the Receipts and Expenditure of every L. A. shall be made up in such form, and to such day in every year, as the L. G. B. may appoint.

Officers to account for money received, sec. 195. L. A. to report annually, sec. 206. Penalty on Officer for failing to account, sec. 247. Audit of Officers' accounts, sec. 250.

246. Audit where URBAN A. are a Town Council.

Where an URBAN A. are the Council of any Borough their Accounts of Receipts and Expenditure under this Act shall be audited by the Borough Auditors, and published in like manner, and at the same time as the Municipal Accounts, the Auditors proceeding after like notice, and in like manner, and exercising and performing like powers and duties as in the case of auditing the Municipal Accounts.

Each Auditor to receive reasonable remuneration, not being less than 2 guineas for every day of Audit. Auditor's fees.

* * * * *

247. Regulations as to Audit where URBAN A.* are not a Town Council.

* See Local Gov. Act, 1894, sec. 58 (p. 407), as to Audit of Accounts of District and Parish Councils and inspection.

Sec. 247.
Date of
audit.

(1) Accounts of Receipts and Expenditure under this Act shall be audited annually, and as soon as possible, after the 25th of March by the Auditor of the Poor Rate Accounts.

(2) * * * * *

Audit to be
advertised.

(3) Such Authority shall, by advertisement in a local Newspaper (*def.*), give 14 days' Notice of the time and place of Audit and of the deposit of Accounts.

Accounts
to be open
for inspection.

(4) A Copy of the Accounts duly made up and balanced, together with all Rate and Account Books, Deeds, Contracts, Accounts, Vouchers, and Receipts, to be open for inspection by interested persons for 7 clear days before the Audit. *Penalty* £5 for neglecting to make up such Accounts and Books, or altering or allowing them to be altered, or refusing to allow inspection thereof.

Penalty for
failure to
produce
documents.

(5) Every Auditor may require the production of all necessary Books, Deeds, Contracts, Receipts, or other Documents, and may require any person accountable for the same to appear before him and to make a declaration as to their correctness. *Penalty* 40s. for neglecting or refusing to appear, or to produce such Books, etc., also such *Penalties* for making any false or corrupt declaration, as may be inflicted on persons guilty of wilful or corrupt perjury.

Ratepayers
may object
to items of
account.

(6) Any Ratepayer or Owner (*def.*) may be present at the Audit, and may take objection to such Accounts; and shall have the same right of appeal against allowances by an Auditor as he has by Law against disallowances (*sub-sec.* 8).

Surcharge
by auditor.

(7) The Auditor shall disallow all items of account contrary to Law, and surcharge the same on the person responsible for their illegal payment; and shall also surcharge on any person accounting, any loss incurred by his negligence or misconduct, or any sum for which he has failed to account.

Appeal by
aggrieved
person.

(8) Any person aggrieved by disallowances made, may appeal to the Court of Queen's Bench or to the L. G. B.

* * * * *

(9) Every Sum surcharged shall be paid to the Treasurer of such A. within 14 days after it has been so certified unless the decision is being appealed against. Sec. 247.
Sums
surcharged.

(10) The Auditor shall within 14 days from the completion of the Audit, report on the Accounts to the Clerk of the A., who shall deposit the same in their Office and publish an abstract thereof in a local Newspaper. Auditor's
report.

Where the provisions as to Audit of any Local Act constituting a Board of Improvement Commissioners (*def.*) are repugnant to or inconsistent with those of this Act, the Audit of such Commissioners' Accounts shall be conducted in all respects in accordance with the provisions of this Act. Audit
where
Improve-
ment Com-
missioners.

Rec. of Penalties, sec. 151. Accounts of Officers, secs. 195, 250.

248. Audit of Accounts of RURAL A. (*In part repealed by Local Gov. Act, 1894, p. 413.*)

The Accounts of every RURAL A. shall be audited by the same Auditors and in the same manner as the Poor Rate Accounts.

* * * * *

Such Auditor shall have like powers and be subject to like obligations, and any person aggrieved by the Auditor's decision shall have like rights and remedies, as in the case of an Audit of the Poor Rate Accounts.

Officers to account for Moneys received, sec. 195. Audit of Accounts of Officers, sec. 250. Audit of Accounts of U. A., secs. 246, 247.

249. Taxation of Bill of Solicitor or Attorney.

250. Accounts of Officers to be audited in like manner as Accounts of L. A.

Officers to account for Moneys received, sec. 195. Audit of Accounts of Town Council, sec. 246.—Of U. A., sec. 247.—Of R. A., sec. 248.

PART VII.

LEGAL PROCEEDINGS (Secs. 251-269).

PROSECUTION OF OFFENCES AND RECOVERY OF PENALTIES
(Secs. 251-265).

251. Summary Proceedings for Offences, Penalties, etc., under this Act.

All Offences, and all Penalties, Forfeitures, Costs, and Expenses directed to be recovered in a summary manner, or the recovery of which is not otherwise provided for, may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts, before a Court of S. J.

* * * * *

Summary Proc. against Defaulting Officers, sec. 196. Rec. of Rates, sec. 256. Demands below £50 recoverable in County Court, sec. 261. Appeals to L. G. B. and Quarter Sessions, secs. 268, 269. Proceedings under Local Acts, sec. 340.

252. General Provisions as to Summary Proceedings.*

Any Complaint or Information under this Act shall be made or laid within **6 months** from the time when the matter of such Complaint or Information arose.

* * * * *

253. Restriction on Recovery of Penalties.

Except with the consent of the Attorney-General, Proceedings shall, saving as in so far as by this Act expressly provided (*secs. 68, 105, 106, 192, 193*), be taken only by an aggrieved party, or by the L. A.; provided that no consent shall be required to proceedings which a L. A. may take (*under secs. 108, 115*) in respect of any Act or default taking place *without* their District, or of any House,

Proceed-
ings *re*
default
without
district.

* This Section is repealed, a similar provision being however embodied in the Summary Jurisdiction Acts.

Building, Manufactory, or place situated *without* their Sec. 253. District.

254. Application of Penalties.

255. Where N. (*sec.* 91) created by several persons, Proceedings may be taken against one or more such persons.

Proceeding *re* Nuisances, *sec.* 94. Proceedings by aggrieved Individual, *sec.* 105.

256. Summary Proceedings by URBAN A. for recovery of Rates.

257. Recovery of Expenses by L. A. from Owners.

Where the L. A. have incurred expenses in respect of certain premises (*def.*) whereof the Owner (*def.*) is made liable under this Act, or by agreement with the L. A., such expenses may be recovered (together with interest not exceeding 5 per cent. per annum from the service of a demand), and until recovered shall be a charge on the said Premises. Expenses to be charge on premises.

The time within which proceedings for the recovery of Private Impt. Expenses (*sec.* 213) may be taken (*sec.* 252) shall be reckoned from the service of the Demand. Time from which proceedings may be taken.

Expenses apportioned by the Surveyor (*def.*) upon any Owner, shall be binding and conclusive, unless within 3 months from the service of the Apportionment the Owner by written Notice disputes the same. Apportionments may be disputed within 3 months.

The L. A. may by Order declare any such Expenses to be payable by Annual Instalments within a period not exceeding 30 years, with interest not exceeding 5 per cent. per annum; and any such Annual Instalments may be recovered summarily (*sec.* 251) from the Owner or Occupier, and (in the latter case) may be deducted from the Rent in the same proportions as allowed in the case of Private Impt. Rates (*sec.* 214). Expenses payable by annual instalments.

Arbitration, *secs.* 179–181. Demands below £50 recoverable in County Court, *sec.* 261. Appeal to L. G. B. as to Summary Recovery of Expenses, *sec.* 268. Apportionment of Private Street Expenses, *sec.* 150. Apportionment of Expenses of Joint Sewer, *sec.* 23.

258. Justices may act though Members of L. A. or liable to contribute.

259. Appearance of L. A. in Legal Proceedings.

Officers
may take
proceed-
ings.

Any L. A. may appear in any legal proceedings by their Clerk, or by any Officer or Member authorized generally or specifically by Resolution of such A.

260. Name of L. A. need not be proved in Legal Proceedings.

261. Demands below £50, which may be summarily recovered, may, at the option of the L. A. be recovered in County Courts.

Summary proceedings *re* Penalties, Expenses, secs. 251–257. Limitation of Time, sec. 252.

262. Proceedings not to be quashed for want of Form.

263. False Evidence punishable as perjury.

*264. One Month's Notice of action against L. A. or Officers to be given.

*265. Protection of L. A. and their Officers from personal liability.

NOTICES (Secs. 266–267).

266. Notices, etc., may be printed or written.

Notices, Orders, or other such Documents may be either *wholly* or *partly* in *writing* or in *print*; the Signature of their Clerk, Surveyor (*def.*), or Inspector of Nuisances to be sufficient authentication (if such be required) by the L. A.

267. Service of Notices under this Act.

Notices, Orders, and other Documents may be served—

- (a) By delivery at the residence of the person addressed;
- (b) When addressed to the Owner (*def.*) or Occupier of any premises (*def.*), by delivery to some person on

* Incorporated in the P. O. made under the Electric Lighting Acts, 1882–1888, p. 291.

such premises, or in the absence of such person, by Sec. 267. fixing the same on some conspicuous part of the premises.

(c) By Post (service of Notice deemed to be at time of ordinary delivery of post), proof that the Document was properly addressed and posted to be sufficient proof of Service.

Any Notice to the Owner or Occupier may be addressed "Owner" or "Occupier" of the premises, describing the latter.

APPEAL (Secs. 268, 269).

268. Appeal to L. G. B. against Summary Recovery of Expenses.

Any person (*def.*) aggrieved by the decision of the L. A. to recover summarily any expenses (*secs.* 251-257) incurred by them, or to declare the same to be Private Impt. Private Impt., etc., Expenses. Expenses (*sec.* 213), may, within 21 days after Notice of such decision, memorialize the L. G. B., stating his complaint, and also delivering a copy thereof to the L. A. Any Order made by the L. G. B. shall be final.

*

*

*

*

*

*

Appeal against Surcharge by L. A., *sec.* 247 (8). Appeal *re* Defaulting L. A., *sec.* 299.

269. Appeal to Quarter Sessions by persons aggrieved by Rate, Order, Conviction, Judgment, etc.

PART VIII.

ALTERATION OF AREAS AND UNION OF DISTRICTS *
(Secs. 270-292).

ALTERATION OF AREAS (Secs. 270-278).

270. Powers of L. G. B. in relation to Alteration of Areas.

271. L. G. B. may by Provisional Order constitute RURAL District a L. G. District.

The L. G. B. may by Provisional Order (*sec.* 297) declare any RURAL District (*sec.* 9) or any portion of any such District or Districts to be a L. G. District (*def.*) when it shall become subject to the jurisdiction of a Local Board (*sec.* 6).

Wards.

The L. G. B. may by such Order divide such District into Wards for the Election of members of the Local Board (*sec.* 8).

Petition by persons objecting to constitution of L. G. District, *sec.* 273. Formation of United District, *sec.* 279. P. O., *sec.* 297.

272. L. G. District may be constituted (*sec.* 271) in pursuance of Resolution of Owners and Ratepayers.

273. Petition may be presented to L. G. B. by persons objecting to Resolution to constitute L. G. District (*sec.* 271).

274. Appeal to L. G. B. in case of alleged Invalidity of Vote (*sec.* 272).

* As to alteration of Boundaries, see also Local Gov. Act, 1888, secs. 50-63 (p. 383), and Local Gov. Act, 1894, secs. 36-42, p. 406.

275. General provisions as to L. G. B. Orders, under Part VIII. of Act.

Orders by L. G. B., sec. 295.

276. L. G. B. may invest **RURAL A.*** with Powers of **URBAN A.**

The L. G. B. may on the application of any—

(a) **RURAL A.**; or

(b) Persons assessed at $\frac{1}{10}$ th the net rateable value of the District; or

(c) Contributory Place (*sec.* 229 (5)) within the District; declare any Provisions of this Act relating to **URBAN** District to be in force within a **RURAL** District or Contributory Place, and may invest (either unconditionally or otherwise) such **R. A.** with all or any of the powers and obligations of an **U. A.** under this Act. * * *

Powers and duties of **U. A.**, sec. 10.

277. Power of **RURAL A.** to form **Special Drainage Districts.**

A **RURAL A.** may by Resolution (to be approved by the L. G. B.) constitute any portion of their District into a *Special Drainage District*, for the purpose of charging thereon exclusively, the expense of Sewerage, Water Supply, or other Works which by this Act are (or by Order of the L. G. B. may be) declared to be Special Expenses, and thereupon such area shall become a separate Contributory Place (*def. sec.* 229).

Expenses of **R. A.**, sec. 229.

278. Power to settle Disputes as to Boundaries of **URBAN** Districts.

On the application of any **URBAN A.** (being a Local Board or Improvement Commissioners) the L. G. B. may by Order after Local Inquiry (*sec.* 293), settle any dispute as to the Boundaries of their District; such Order to be published in a local Newspaper. * * *

Powers of L. G. B. in relation to alteration of areas, sec. 270. Settlement of Boundaries, sec. 272. Entry on Lands for fixing Boundaries, sec. 305.

* As to investment of Rural District Council with additional powers, see Local Gov. Act, 1894, sec. 25 (5-7), p. 402.

UNION OF DISTRICTS (Secs. 279-286).

279. Formation of United District.

The L. G. B. may on the application of any Local Authorities by Provisional Order (*sec.* 297) form their Districts or any of them, or any parts thereof, or any Contributory Places (*def. sec.* 229 (5)) into a United District for all or any of the following purposes, viz.:—

- | | |
|--------------------|---|
| Water Supply. | (1) Procuring a common Water supply. |
| Sewerage. | (2) Making a Main Sewer, or carrying into effect a system of Sewerage for the use of all such Districts or Contributory Places. |
| Other purposes. | (3) For any other purposes of this Act. |

* * * * *

Communication with Sewers of adjoining District, *sec.* 28. Power to supply Water to adjoining District, *sec.* 61, p. 185. Medical officer to United District, *secs.* 193, 286. Constitution of L. G. District, *sec.* 271. Power to Combine for execution of Works, *sec.* 285. P. S. A. (Joint Board), *sec.* 287.

280. Governing Body of United District to be Joint Board (*consisting of Ex-officio and Elective Members*).

281. P. O. (*sec.* 297) forming United District to define purposes for which same is formed.

282. Meetings and Proceedings of Joint Board.

283. Expenses of Joint Board.

284. Payment of contributions to Joint Board.

285. Power to execute Works in Adjoining District and to combine for Execution of Works.

Any Works or things which a L. A. may do in their own District, they may do in an adjoining District with the consent of, and on terms agreed with, the L. A. thereof; moreover, any Local Authorities may combine together to execute and maintain any Works beneficial to their respective Districts or any parts thereof.

Joint
execution
of Works.

Expenses so incurred shall be deemed to be incurred in Sec. 285. the execution of Works *within* their District.

Powers for making Sewers, etc., outside District, sec. 16. Use of Sewers by persons without District, sec. 22. Communication of Sewers with those of adjoining District, sec. 28. Sewage Works without District, secs. 32-34. Cleansing Boundary, etc., Ditches, sec. 48. Laying of Water mains without District, sec. 54. Abatement of N. without District, secs. 108, 118. Formation of United District, sec. 279. Entry on to Lands, sec. 305.

286. Districts may be united for appointing a Medical Officer.

Appointment of Medical Officer, sec. 190. United Districts, sec. 279-284.

PORT SANITARY AUTHORITY (Secs. 287-292).

287. Constitution of Port Sanitary A.

The L. G. B. may by Provisional Order (*sec.* 297) constitute as a Port Sanitary A. any—

(1) L. A. whose District forms part of, or abuts on a Port, or the waters of such Port.

(2) Any Conservators, Commissioners, or other persons (referred to as a “Riparian Authority”) having authority in or over such port, or any part thereof; and may also constitute a Port Sanitary A. for the whole or any part of a Port by—

(a) Combining any two or more “Riparian Authorities” having jurisdiction within such Port, or any part thereof; * *

(b) Forming a Joint Board, consisting of representative Members of any two or more “Riparian Authorities” in the same manner as provided with respect to the formation of a United District (*sec.* 279).

The L. G. B. may also constitute a Port Sanitary A. for ^{Joint Board.} any *two* or more Ports by forming a Joint Board, consisting of representative Members of all or any of the “Riparian Authorities” having jurisdiction within such Ports, or any part thereof.

In any case where a Port Sanitary A. may by Provisional ^{Temporary} Order be permanently constituted, the L. G. B. may, until ^{P. S. A.} the requisite P. O. is confirmed, *temporarily* constitute a Port Sanitary A.

S^c. 286. Nuisances on Ships, sec. 110. Infectious Diseases on Ships, secs. 124, 125, 130-134. Borrowing powers of P. S. A., sec. 244. Formation of United District, sec. 279; also—
P. H. (Ships, etc.) Act, 1885: Constitution of permanent P. S. A. by "Order," sec. 3.

288. Jurisdiction of Port Sanitary A.

A Port Sanitary A. shall have authority over all waters within the limits of such Port, and also over the portions of the District within the jurisdiction of any "Riparian Authority" (*sec. 287, sub-sec. 2*) specified in the Provisional Order (*sec. 297*).

289. Delegation of Powers by Port Sanitary A.

290. Expenses of Port Sanitary A.

291. Provisions as to Port of London.

292. Proceedings for raising a Sum for payment of Debt within the District of a defaulting Authority (*sec. 299*).

PART IX.

LOCAL GOVERNMENT BOARD (Secs. 293-304).

INQUIRIES BY BOARD (Secs. 293-296).

293. Power of Board to direct Inquiries.

The L. G. B. may hold Inquiries as directed by this Act, or as they may see fit in relation to Public Health, or as to any matters concerning which their approval or consent is required.

294. L. G. B. Orders as to costs of Inquiries.**295. L. G. B. Orders to be binding and conclusive.****296. Power of L. G. B. Inspectors.**

L. G. B. Inspectors shall have, in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those of Poor Law Inspectors.

L. G. B. Inspector may attend Meeting of L. A., sec. 205.

PROVISIONAL ORDERS BY BOARD (Secs. 297, 298).

297. Enactments as to Provisional Orders made by L. G. B.

(1) Notice of proposed P. O. to be advertised for two successive weeks in a local Newspaper. Advertise-
ment of
P. O.

(2) L. G. B. to consider objections made against Order by persons affected thereby, and to hold Local Inquiry (sec. 293) where applicable to the subject matter, at which interested persons may attend and make objections. Objections
to P. O.

(3) The L. G. B. *may* submit any P. O. to Parliament for Confirmation. No Order to be in force until so confirmed. Confirma-
tion.

(4) If a Confirming Bill is petitioned against whilst pending in either House, it may be referred to a Select Committee, before which the petitioner may appear. Petition
against
confirming
Bill.

Sec. 297. (5) Any Confirming Act or Order in Council, made in
 Repeal, etc., of Confirm-
 ing Act. pursuance of any of the Sanitary Acts, may be repealed,
 altered, or amended by any P. O.

(6) * * * *

(7) * * * *

(8) Every Act confirming such P. O. shall be deemed to be a Public General Act.

298. Costs of Provisional Orders.

POWER OF BOARD TO ENFORCE PERFORMANCE OF DUTY BY DEFAULTING LOCAL AUTHORITY (Secs. 299-302).

299. Proceedings on Complaint to L. G. B. of Default of L. A.

Where the L. G. B. are satisfied as to the truth of any Complaint made to them that a L. A. has failed—

(a) To provide their District with sufficient Sewers (*secs.* 13, 14, 15, 16, 28) ;

(b) To maintain existing Sewers (*secs.* 15, 18, 19) ;

(c) To provide their District with a supply of water (in cases where danger to health arises from the insufficiency or unwholesomeness of the existing Supply, and a proper supply can be got at a reasonable cost (*def.*, *sec.* 62, *p.* 185) ;

(d) To enforce any Provisions of this Act.

Provisions as to Water, *secs.* 51-55, *p.* 180 ; also—

P. H. (Water) Act, 1878, *p.* 190.

Local Gov. Act, 1894 : Complaint by Parish Council of default of District Council, *sec.* 16, *p.* 397.

Order by
 L. G. B.

Such Board shall make an Order (*sec.* 295) limiting a time for the performance of their duty.

Appoint-
 ment of
 person to
 execute
 duties of
 defaulting
 L. A.

Failing compliance, such Order may be enforced by a Writ of Mandamus, or the L. G. B. may appoint some person (who shall be invested with all the powers of such A., other than those for levying rates, saving as hereinafter provided by *secs.* 300-302) to perform such duty. All expenses to be paid by the defaulting A.

* * * *

Main Sewer and Water Supply for United District, *sec.* 279. Execution of Joint Works, *sec.* 285. L. G. B. Inquiries, *sec.* 293 ; also—

Housing of Working Classes Act, 1885 : As to general Duty of L. A., *sec.* 7, *p.* 313.

300. Further provision for recovery of Expenses of performing the duty of a defaulting L. A.

301. Powers of L. G. B. to borrow to defray Expenses of performing duty of defaulting L. A.

302. Recovery of Principal and Interest in respect of Loan made for payment of Expenses incurred through defaulting L. A.

POWERS OF BOARD IN RELATION TO LOCAL ACTS, ETC.
(Secs. 303, 304).

303. Power to repeal and alter Local Acts.

The L. G. B. may, on the application of the L. A., by P. O. (*sec.* 297), wholly or partially repeal, alter or amend any local Act (other than a River Conservancy Act, or Act conferring powers or privileges on any persons for their own pecuniary benefit) relating to the same subject matter as this Act.

* * * * *

Savings for proceedings under Local Acts, *sec.* 340. Powers of Act to be Cumulative, *sec.* 341.

304. Settlement of Differences arising out of Transfer of Powers or Property to L. A.

PART X.

MISCELLANEOUS AND TEMPORARY PROVISIONS
(Secs. 305–325).

MISCELLANEOUS (Secs. 305–317).

305. Entry on Lands for Purposes of Act.

Admission
Refused. Where the Owner (*def.*) or Occupier refuses to permit the L. A. to enter on, examine, or lay open their Lands or Premises in order to survey, take levels, make, repair, or examine any Works, or ascertain the course of Sewers, Drains, or to fix Boundaries (*sec.* 278), the L. A. may, after Notice (*secs.* 266, 267) to such Owner (*def.*) or Occupier, apply to a Court of S. J. for an Order authorizing Entry, etc., for the above purposes.

Applica-
tion to
Court. If no sufficient cause is shown against the Application, the Court may by Order authorize the L. A. (at all reasonable times between 9 a.m. and 6 p.m.) to enter, examine, or lay open the said Lands and Premises; provided that (except in case of emergency) no Entry shall be made without 24 hours' Notice of the intended Entry, and of the object thereof, has been given to the Occupier.

Order of
Court as to
entry.

Notice of
intended
entry to be
given.

Entry for Exam. of Drains, *sec.* 41. Entry for Inspection of Water Meters, *sec.* 58, p. 184. Entry for Inspection of Lodging-houses, *sec.* 85. Entry for Exam. of Nuisances, *secs.* 98, 102. Purchase and letting of Lands, *secs.* 175, 177. Notices, *secs.* 266–267.

306. Penalty on obstructing Execution of Act, or damaging Notice Boards.

(1) *Penalty* £5 for—

(a) Wilfully obstructing any member of the L. A., or any person duly employed in the execution of this Act; or

(b) Destroying, pulling down, injuring, or defacing any Board on which any Byelaw, Notice, or other

matter is inscribed, if erected by the authority of **Sec. 306.**
the L. G. B., or by the L. A.

(Extended by sec. 48, P. H. Amendt. Act, 1890, p. 119).

(2) Where the Occupier of any premises prevents the Owner (*def.*) from obeying the Provisions of this Act, a written Order may be obtained from a Justice requiring him to permit the execution of any Works which appear necessary to such Justice.

Obstruction of
Owner by
Occupier.

Daily Penalty £5 on the Occupier for—

Penalty on
Occupier.

(a) Failing to comply with the Order within 24 hours.

(b) Refusing or wilfully omitting to disclose or wilfully misstating to the L. A. the Owner's name.

Penalty for injuring Meter, sec. 60. Rec. of Penalty, sec. 250. Restrictions on rec. of Penalties, secs. 252, 253. Penalty on damaging Works of L. A., sec. 307.

Form of Order, Schedule IV., Form "E," p. 93.

307. Penalty on damaging Works, etc., of L. A.

Penalty £5 for wilfully damaging any Works or Property of the L. A. in cases where no other penalty is provided.

Rec. of Penalty, sec. 251. Obstructing L. A., or defacing Notice Bds., sec. 306.

308. Compensation in Case of Damage by L. A.

Any person sustaining damage owing to the exercise of any powers of this Act in relation to any matter as to which he is not himself in default, shall be fully compensated by the L. A. exercising such powers.

Any dispute as to the fact of damage or amount of Compensation shall be settled by Arbitration (*sec. 179*), or if the Compensation claimed does not exceed **£20**, the same may, at the option of either party, be ascertained by and recovered before a Court of S. J. (*sec. 181*).

Claims
below £20.

309. Compensation in certain cases to Officers deprived of Office.

Officers of L. A., secs. 189–196.

310. Provision for Transfer of powers, etc., where Improvement Act District, or Loc. Gov. District, becomes a Borough.

311. Power of Local Boards to change Name (*see sec. 7, p. 11*).

Local Boards, secs. 6, 8, 12.

312. As to Election of certain Improvement Commissioners (*def.*) (*Repealed by Local Gov. Act, 1894, p. 413*).

313. Substitution in other Acts of provisions of this Act for provisions of Repealed Acts.

314. Byelaws as to Hop-pickers.

Any L. A. may make *Byelaws* for securing decent Lodging and Accommodation for persons engaged in Hop-picking within their District.

(NOTE.—*Under the P. H. (Fruit-pickers' Lodgings) Act, 1882, this Section extends to pickers of Fruits and Vegetables.*)

Making of Byelaws, secs. 182–188.

315. As to Byelaws inconsistent with this Act.

Any Byelaw made under the Sanitary Acts shall, so far as it is inconsistent with this Act, be deemed to be repealed.

Making of Byelaws, secs. 182–188. As to Byelaws made before passing of Act, sec. 326. Def. "Sanitary Acts," p. 9.

316. As to Construction of Incorporated Acts.

In the construction of Incorporated Acts the term, "the Special Act," includes this Act, and, in the case of the Lands Clauses Consolidation Acts, 1845, 1860, 1869, any Order confirmed by Parliament and authorizing the taking of Lands otherwise than by Agreement under this Act; the term "the limits of the Special Act" means the limits of the District; and the Urban and Rural A. shall be deemed to be "the Promoters of the Undertaking," "the Commissioners," or "the Undertakers," as the case may be.

All Penalties shall be recovered and applied in the same way as Penalties incurred under this Act.

317. Construction of Schedules.

TEMPORARY PROVISIONS FOR REGULATING MATTERS
AT THE TIME OF THE PASSING OF THIS ACT (Secs.
318–325).

PART XI.

SAVING CLAUSES AND REPEAL OF ACTS

(Secs. 326-343).

SAVING CLAUSES (Secs. 326-343).

326. Provisions as to Sanitary Authorities existing at the passing of this Act and their Officers.

327. Saving for Works and Property of certain Authorities and for Navigation and Water Rights, etc.

Nothing in this Act shall be construed to authorize any L. A.—

- (1) To use, injure, or interfere with any Sluices, Flood-gates, Sewers, Groynes, or Sea defences or other Works already or hereafter made under the authority of any Commissioners of Sewers appointed by the Crown—or any Sewers or other Works already or hereafter made and used by any person for draining, preserving, or improving Land under any local or private Act, or for irrigating Land (*sec.* 13); or Works of Crown.
Irrigation Works.
- (2) To disturb or interfere with any Lands (*def.*) or other property vested either in the Lord High Admiral of the United Kingdom (or Commissioners for executing such Office) or in Her Majesty's Principal Secretary of State for the War Department. Lands vested in Lord High Admiral, etc.
- (3) To interfere with any River, Canal, Dock, Harbour, Lock, Reservoir, or Basin so as to injuriously affect (*sec.* 17) their Navigation, or with any Towing-path so as to interrupt the traffic thereon, in cases where any person is entitled by Act to navigate on or use the same, or to receive Tolls or Dues in respect thereof. Rivers, Canals, Docks, Reservoir, Towing-path, etc.
- (4) To interfere with any Watercourse so as to injuriously Water-courses.

Sec. 327.

affect the supply of Water to any River, Canal, Dock, Harbour, Reservoir, or Basin, in cases where any such person (as last aforesaid) would, if this Act had not been passed, have been entitled by Law to prevent or be relieved against such interference (*As to pollution of Streams, see sec. 17, and Rivers Poll. Prev. Act, 1876, p. 129*).

Bridges.

(5) To interfere with any Bridges crossing any River, Canal, Dock, Harbour, or Basin in cases where any person is authorized by Act to navigate on or use such River, Canal, etc., or to demand Tolls or Dues in respect thereof.

Wharves,
Quays,
Docks, etc.

(6) To execute any Works in, through or under any Wharves, Quays, Docks, Harbours, or Basins, to the exclusive use of which any person is entitled by Act, or for the use of which any person is entitled by Act to demand Tolls or Dues (*Saving for Water Rights generally, sec. 332*).

Consents of
respective
Authori-
ties.

without the consent of the respective Authorities hereinbefore mentioned, such consent to be expressed in writing, in the case of a Corporation under their common Seal, and in the case of any Body of Persons not being a Corporation, under the hand of their Clerk or other duly authorized agent.

Irrigation
Rights
under
Local Acts.

And nothing in this Act shall prejudice or affect the rights, privileges, powers or authorities given or reserved to any person under such local or private Acts for draining, preserving or improving Lands as are mentioned in this Section.

328. Reference to Arbitration in case of Works not within preceding Section.

Works not
prohibited
by Sec.
327.

Where a L. A. propose to do any matters or things (not within the prohibition aforesaid) as will interfere with the improvement of any River, Canal, Dock, Harbour, Lock, Reservoir, Basin or Towing-path which any person is, by Act, entitled to navigate on or to use, or to demand Tolls or Dues for the navigation on or use thereof—or to interfere with any Works belonging to such River, Canal, etc., or

with any land necessary for the enjoyment or improvement thereof, the L. A. shall notify to such person the matters or things proposed to be done—

Sec. 328.
L. A. to
notify Au-
thorities.

If the parties on whom such Notice (*secs.* 266, 267) is served do not consent to the requisitions thereof, the matter in difference shall be referred to Arbitration (*sec.* 179), when the following questions shall be decided, viz. :—

- (1) Whether the proposed matters or things will cause any injury to such River, Canal, etc., or to the enjoyment or improvement of the same.
- (2) Whether any injury which may be caused is or is not of a nature to admit of being fully compensated by money.

Matters to
be deter-
mined.

329. Effect of Arbitration.

The result of any such Arbitration (*sec.* 179) shall be final, and if the Arbitrators deem that—

- (1) No injury will be caused, the L. A. may forthwith proceed to do the proposed matters or things.
- (2) Injury only of such a nature as to admit of being fully compensated, will be caused, they shall assess such compensation; *after* payment of which amount, the L. A. may proceed to do the proposed matters or things.
- (3) Injury of such a nature as will *not* admit of being fully compensated by money will be caused, the L. A. shall *not* do any of the matters or things in respect of which such opinion is given.

Works
may be
executed.

Works
may be
executed
on com-
pensation.

Works
may not be
executed.

330. Transfer of Powers, etc., not to affect rights, *re* Navigation, etc., of Rivers, Canals.

331. Provision as to Alteration of Sewers by Canal, Dock, etc., Authorities.

Any person authorized by Act to navigate on or use any River, Canal, Dock, Harbour or Basin, or to demand Toll or Dues in respect of the navigation on or use of the same may, at their own expense (and after substituting others therefore, certified as equally effective by the Surveyor to the L.A.), take up, divert, or alter the level of any Sewers, Drains,

Sec. 331. Culverts, or Pipes constructed by such L. A., and passing under or interfering with such Rivers, Canals, Docks, Harbours, or Basins, or the Towing-paths thereof, and may do all that is requisite to effect such diversion or alteration.

Powers for making Sewers, sec. 16. Alteration and discontinuance of Sewers, sec. 18. Penalty for building over Sewers, sec. 26. Arbitration, sec. 333.

332. Saving for Water Rights generally.

Nothing in this Act shall authorize any L. A. to injuriously affect any Reservoir, Canal, River, or Stream, or the Feeders thereof, or the supply, quality, or fall of Water contained therein, in cases where any person would, if this Act had not been passed, have been entitled by Law to prevent or to be relieved from such injury unless the written consent of such person be previously obtained.

Power to purchase Waterworks, etc., sec. 51, p. 180. Saving for Navigation and Water Rights, secs. 327, 328. Discharge of Sewers into Streams, sec. 17.

333. Arbitration as to alteration of Sewers or as to injurious interference with Supply of Water, etc. (*see secs. 327-332*).

334. Saving for Mines (*see P. H. (Support of Sewers) Act, 1883, p. 141*).

Nothing in this Act shall authorize interference with, or obstruction to, the efficient working of Mines; or obstruction to or interference with any processes for smelting Ores and Minerals, calcining, puddling, and rolling Iron and other Metals, or conversion of Pig Iron into Wrought Iron.

335. Saving for Collegiate Bodies and Government Departments.

Any Collegiate (or other Corporate) Body required or authorized by Act to divert its Sewers or Drains from any River or to construct New Sewers, and any Public Department of the Government, shall have like powers and be subject to like obligations under this Act as they had or were subject to under the "*Sewage Utilization Act, 1867*;" and for that purpose, the provisions of this Act applicable to similar purposes as those of the "*Sewage Utilization Act*,

1865 and 1867," shall apply in substitution for the last-mentioned provisions. Sec. 335.

336. Saving for Metropolitan Board of Works* Outfall, etc., Works, although beyond District.

337. Saving for payment in certain Cases to L. A. for drainage of Premises without District.

338. *Repealed.*

339. Saving for certain Local Boards.

340. Saving for Proceedings under Local Acts.

Where any Local Act provides for similar purposes as this Act, proceedings may be instituted at the discretion of the A. or person instituting the same, either under the Local, or this, Act, or under both, provided that—

(1) No person shall be punished for the same offence *both* under a Local and this Act.

(2) The L. A. shall not, by reason of any Local Act, be exempted from the performance of any duty or obligation to which they may be subject under this Act.

Legal Proceedings, sec. 251–265.

341. Powers of this Act to be cumulative.

342. Constitution of Local Board of Oxford District.

REPEAL OF ACTS (Sec. 343).

343. Repeal of Acts in Schedule V.

The Acts specified in Schedule V., Parts I. and II., are hereby repealed to the extent therein described,† with the following qualifications, viz. :—

That so much of the said Acts as is set forth in Part III. of that Schedule shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act (*see Schedule V., Part III., p. 94*). Re-Enactments.

* London County Council.

† The Repealed Acts are not specified in this Work, but the re-enacted portions are given on p. 94.

SCHEDULES.*

SCHEDULE I.†

RULES AS TO MEETINGS AND PROCEEDINGS.

- (1) Rules applicable to Local Boards.
- (2) Rules applicable to Committees of Local Authorities other than Councils of Boroughs and to Joint Boards.

SCHEDULE II.†

I. RULES FOR ELECTION OF LOCAL BOARDS.

- (1) Number and Qualification of Members.
- (2) Division of District into Wards, etc.
- (3) Qualification of Electors — Scale of Voting and Register of Owners.
- (4) Returning Officer.
- (5) Details concerning the Election — Nomination — Voting-papers, etc.
- (6) Counting of Votes.
- (7) Declaration to be made by Members as to Real or Personal Estate.
- (8) Retirement of Members.
- (9) Disqualification of Members.
- (10) Casual Vacancies.
- (11) General Provisions.
- (12) As to Local Boards established before the passing of the Local Government Act, 1858.
- (13) Temporary Provisions.
- (14) Schedule not to apply to Oxford.

* The subject matter only of the Schedules is given herein.

† So much of Sch. I. as relates to Committees and the whole of Sch. II. is repealed by Local Gov. Act, 1894, p. 413.

II. PROCEEDINGS IN CASE OF LAPSE OF LOCAL BOARD.

(1) Rights of Mortgagees, etc., to payment on Mortgaged Rates.

(2) Owners and Ratepayers may elect New Board by Resolution as provided by Schedule III.

SCHEDULE III.

(1) Rules as to Resolutions of Owners and Ratepayers and Mode of requisitioning Meeting therefore.

SCHEDULE IV.

FORMS.

Form A. Form of Notice requiring Abatement of Nuisance (*sec. 94*).

Do. B. Form of Summons.

Do. C. Form of Order for Abatement or Prohibition of Nuisances (*secs. 96, 97*).

Do. D. Form of Order for Abatement of Nuisance by L. A. (*sec. 100*).

Do. E. Form of Order to permit Execution of Works by Owner (*sec. 306*).

Do. F. Order of Justice for Admission of Officer of L. A. (*sec. 102*).

Do. G. Form of Notice requiring Owner to Sewer, etc., Private Street (*sec. 150*).

Do. H. Form of Mortgage of Rates.

Do. I. Form of Transfer of Mortgage.

Do. K. Form of Rentcharge.

Do. L. Register of Owners; Notice of time for making Claims and Objections.

(a) *Owners' Claim.*

(b) *Claim by Proxy.*

(c) *Form of Objection.*

Do. M. Appointment of Proxy.

Do. N. Form of Voting-paper at Elections of Members of Local Boards.

(a) *Voting-paper.*

(b) *Directions to the Voter.*

Form O. Form of Voting-paper for Poll taken under Schedule III.

(a) *Voting-paper.*

(b) *Directions to the Voter.*

SCHEDULE V.

PARTS I., II.

Repeal of Acts.

NOTE.—The Repealed Acts are not set forth in this Work.

PART III.

Re-enactment of certain Sections of Acts repealed under Schedule V., Parts I. and II.

Public Health Act, 1848.

Section 83. As to Interments within Churches,

Penalty £50 (recoverable by any person with full costs of suit) for causing, permitting, or suffering any Corpse or Coffin to be buried in any Vault or Grave situate within the walls of, or underneath, any Church or other place of Worship erected in any URBAN District after August 31st, 1848.

Local Government Act, 1858.

Section 49. Local Board to be Burial Board in certain cases.

Local Government Act (1858) Amendment Act, 1861.

Section 21. URBAN A. may repair Fences surrounding Burial-grounds.

Any URBAN A. constituted a Burial Board *may* uphold the Fences (or take down and substitute others in lieu thereof) surrounding any disused Burial-ground, and shall take the necessary steps for preventing desecration of such Ground, and placing it in a proper sanitary condition. They may also pass *Byelaws* (subject to the provisions of this Act) for the preservation and regulation of all Burial-grounds.

The expense of carrying this Section into execution may be defrayed out of Rates authorized to be levied by any URBAN A. constituted a Burial Board.

Local Government Act Amendment Act, 1863.

Section 6. Loc. Gov. Districts to be within Highway Districts for purpose of Highway Meetings.

Where any Loc. Gov. District or other place is surrounded by or adjoins a

Highway District constituted under the Highways Acts, such first-mentioned Sec. 6. District or other place shall, for the purpose of any Meeting of the Highway Board, be deemed to be within such Highway District.

Sanitary Act, 1866.

Section 44. Power of Burial Boards in certain cases to transfer their powers to URBAN A.

Section 51. Power to reduce Penalties imposed by the "Quarantine Act, 1825."

Section 52. Description of Vessels within provisions of the "Quarantine Act, 1825."

Coal Mines Regulation Act, 1872.

Section 34. As to consent of L. G. B. required in certain cases.

Where, in any Local Acts the consent, sanction, or confirmation of one of her Majesty's Principal Secretaries of State is required with respect to (a) Borrowing of Money, (b) giving effect to Byelaws, or (c) appointment of any Officer for Sanitary purposes, the consent, etc., of the L. G. B. shall be required instead of the Secretary of State.

The consent of the L. G. B., and not that of the Treasury, shall be required for borrowing Money for the purposes of the Baths and Wash-houses Acts.

* * * * *

Baths and Wash-houses Acts, 1846-47, sec. 10, p. 12.

Public Health Act, 1872.

Section 35. Transfer of Powers and Duties of Bd. of T. under Alkali Act, 1863, and Metropolis Water Acts, 1852 and 1871 to L. G. B.

Section 36. Transfer of Powers and Duties of Secretary of State under Highway and Turnpike Acts to L. G. B.

Section 37. Transfer of Officers to L. G. B.

Section 38. Salary of Medical Officer to L. G. B.

Section 48. Orders of L. G. B. how to be published.

PUBLIC HEALTH (BUILDINGS IN STREETS) ACT, 1888.

(51 & 52 VICT., CAP. 52.)

An Act to Amend the Public Health Acts in relation to Buildings in Streets.

1. Short Title and Construction.

2. Interpretations.

3. Buildings not to be brought forward.

This Section shall repeal Sec. 156, P. H. Act, 1875, save as hereinafter mentioned, viz:—

Without the written consent of the URBAN A., no Building (or part thereof) shall be erected or brought forward in any Street, or any Addition made thereto beyond the front Main Wall of the Building on either side thereof in the same Street.

Daily Penalty 40s. after Notice (*secs.* 266, 267, *p.* 74) of Offence from the U. A.

*

*

*

*

*

*

P. H. Act, 1875: Def. "Street," *p.* 8. Proviso as to Railway Buildings, *sec.* 157. Def. "New Buildings," *sec.* 159. Rec. of Penalties, *sec.* 251. Limitation of time of Complaint, *sec.* 252. Restriction on Rec. of Penalty, *sec.* 253; also:—

Towns Impt. Clauses Act, 1847, *p.* 149. Buildings not to be brought forward, *sec.* 66. Improving Line of Streets and Removing Obstructions, *secs.* 66-74.

Highways Act, 1835. Encroachments on Highways, *sec.* 69, *p.* 447, and references and notes thereto.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 VICT., CAP. 59.)

ARRANGEMENT OF SECTIONS.

PART I.

GENERAL (Secs. 1-12).

SECTION

1. Division of Act into Parts.
2. Short Title, construction and Extent of Acts.
3. Adoption of Acts.
4. Expenses of L. A.
5. Power to L. G. B. to extend Act to Rural Districts.
6. Legal Proceedings.
7. Appeals to Quarter Sessions.
8. More than one Sum in one Summons, etc.
9. Byelaws.
10. Powers of Act cumulative.
11. Interpretation.
12. Application of Act to Ireland.

PART II.

TELEGRAPH, ETC., WIRES (Secs. 13-15).

13. Byelaws.
14. Danger from exempted Telegraph Wires.
15. Savings.

PART III.

SANITARY AND OTHER PROVISIONS (Secs. 16-50).

16. Injurious Matter not to pass into Sewers.
17. Chemical Refuse, Steam, etc., not to be turned into Sewers.

SECTION

18. Provisions as to L. A. making Communications with or altering, etc.,
Drains and Sewers.
19. Extension of Sec. 41, P. H. Act, 1875 (viz.:—Nuisances from Drains).
20. Sanitary Conveniences for Public accommodation.
21. Do. used in Common.
22. Do. for Manufactories, etc.
23. Extension of Sec. 157, P. H. Act, 1875. (Byelaws as to New Buildings,
etc.).
24. Rooms over Privies, etc., not to be used as Dwelling, etc., Rooms.
25. Penalty for erecting Buildings on Offensive Matter.
26. Byelaws for certain Sanitary purposes.
27. Provision for keeping common Courts and Passages clean.
28. Extension of Sec. 116, P. H. Act, 1875, *re* Unsound Meat.
29. Duration of Licences for Slaughter Houses.
30. Notice of change of Occupation of Slaughter-house.
31. Revocation of Licence on conviction for sale of Meat unfit for Food.
32. Extension of Sec. 84, P. H. Act, 1875, *re* Common Lodging-houses.
33. Buildings described in deposited plans otherwise than as Dwelling-houses
not to be used as such.
34. Hoards to be set up during progress of Buildings.
35. As to repair of Cellars under Streets.
36. Means of ingress and egress to or from places of Public Resort.
37. Safety of Platforms, etc.
38. Byelaws for prevention of danger from Whirligigs, Shooting-galleries, etc.
39. Refuges, etc., in Streets.
40. Cabmen's Shelters.
41. Adoption of Private Streets.
42. Statues and Monuments.
43. Trees in Roads.
44. Parks and Pleasure-grounds.
45. Extension of Sec. 164, P. H. Act, 1875, *re* Pleasure-grounds.
46. Do. 165 do. Public Clocks.
47. Restriction on throwing Cinders into Streams.
48. Extension of Sec. 306, P. H. Act, 1875, *re* Defacing, etc., Notice-boards.
49. Power to determine Expenses of Rural A. to be Special Expenses.
50. Application of Part III. of Act in Rural Districts.

PART IV.

MUSIC AND DANCING LICENCES (Sec. 51).

PART V.

ISSUE OF STOCK (Sec. 52).

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 VICT., CAP. 59.)

NOTE.—See secs. 2, 3, 5, as to application of Act.

PART I.

GENERAL.

1. Division of Acts into Parts.

- Part I. General.
„ II. Telegraph, etc., Wires.
„ III. Sanitary and other Provisions.
„ IV. Music and Dancing.
„ V. Stock.

2–3. Extent and Adoption of Acts.

- Part I. Compulsory, and extending throughout England and Wales (exclusive of the County of London). Compulsory.
Parts II., III., IV., V. Adoptive (all, or in part) in URBAN Districts only (but without prejudice to Sec. 5 with respect to Rural A.). Adoptive by U. A.
Part III. Adoptive by a RURAL A., so far as is declared (in *sec.* 50) to be applicable to such A. (without prejudice to the provisions of Section 5). Adoptive by R. A.

NOTE.—*Sec. 3 also contains provisions relative to—
Formal Resolution and proceedings of L. A. prior to adopting parts of Act,
also to advertisement of such Resolution in local Newspaper and communication
of same to the L. G. B., Secretary of State, or Bd. of T., as the case may be.*

Expenses. 4. Expenses of L. A. under this Act to be defrayed as if incurred under P. H. Acts (*def. p. 175*).

P. H. Act, 1875: Expenses of U. A., sec. 207; of R. A., secs. 229, 230, p. 65.

Extension of powers to R. A. 5. Power of L. G. B. to extend whole or part of Act to RURAL A. under sec. 276, P. H. Act, 1875, p. 77.

Legal Proceedings. 6. Legal Proceedings under this Act may be taken in like manner as under the Public Health Acts (*def. p. 175*).

P. H. Act, 1875: Legal Proceedings, secs. 251-263, p. 72.

7. Appeals to Quarter Sessions by Aggrieved Persons.

P. H. Act, 1875: Appeal to L. G. B., sec. 268. Appeal to Quarter Sessions, sec. 269, p. 75.

8. Any Information, Complaint, Warrant, or Summons may contain several Sums.

Byelaws. 9. Provisions of P. H. A., 1875, as to *Byelaws* (secs. 182-186, p. 57) to apply to Byelaws made under this Act (except made under Part II., see sec. 13, 4a).

10. Powers of Act Cumulative.

11. Definitions.

Ash-pit. (a) "Ash-pit" to include (in this Act and the P. H. Acts) any Ash-tub or other Receptacle for Ashes, Fœcal Matter, or Refuse.

Def. "Sanitary Convenience," p. 101; also—

P. H. Act, 1875: Penalty for building without Ash-pits, sec. 35. Power of L. A. to enforce Ash-pits, sec. 36. Public Ash-pits, sec. 39. Ash-pits to be properly kept, sec. 40. Exam. of Ash-pits on complaint of N., sec. 41. Clearing of Ash-pit, secs. 42-44. U. A. may provide Receptacles for Rubbish, sec. 45. Nuisances from Ash-pit, sec. 91.

Definition of "paved." (b) A Street (or part thereof) which has been Asphalted, paved with Wood, Tar Paving, Artificial Stone, or other improved Paving of any kind, shall be deemed to have been paved within the meaning of the P. H. Acts (*P. H. Act, 1875, sec. 150, and sec. 41, post*).

Approval of U. A. Provided that a Street shall not be deemed to be paved

to the satisfaction of the URBAN A., unless paved with such Sec. 11.
kind and quality of material as is approved by such A.

Adoption of Private Streets, sec. 41; also—
P. H. Act, 1875, Power to compel paving of Private Streets, sec. 150.
Dedication of Private Streets, sec. 152, p. 45.

| Expressions. | Definitions. |
|--|---|
| Local Authority Urban Authority Urban Sanitary District Rural do. Daily Penalty Surveyor Lands Premises Owner Street House Drain Sewer Sanitary Convenience | <div>As Defined in the Public Health Act, 1875, secs. 4, 6, 9, p. 8.</div> <div>* * * *</div> <div>As defined in the Public Health Act, 1875, sec. 4, p. 8.</div> <div>Includes Urinals, Water-closets, Earth-closets, Privies, Ash-pits, and any similar Convenience (also see <i>def.</i> of “Ash-pit,” sub-sec. <i>a</i>).</div> |

12. Application of Act to Ireland.

PART II.

TELEGRAPH, ETC., WIRES.*

(Secs. 13–15).

NOTE.—Adoptive by Urban Authorities.

13. Byelaws for Prevention of Danger from Telegraph Wires, etc.Power of
U. A. to
make
Byelaws.

(1) An URBAN A. may make, alter, or repeal *Byelaws* for the “Prevention of danger or obstruction to the public from Posts, Wires, Tubes, or any other Apparatus stretched or placed above, over, along, or across any Street (*def.*), whether before or after the adoption of this part of this Act.”

Examina-
tion of
Wires etc.,
by U. A.

(2) Such *Byelaws* may provide for the inspection and examination by the URBAN A. of any such Apparatus as above, and for prohibiting the same from being, or continuing to be placed so as to be dangerous or an obstruction to the public.

(3) *Penalties* £5 and 40s. *daily* against such Byelaws; and the Court may order the removal of any such Apparatus contravening such Byelaws.

Confirma-
tion of
Byelaws.

(4–5) *Byelaws*† under this Section and any Alterations Repeals thereto shall not take effect until—

(a) Confirmed by the Bd. of T., who may allow, disallow, or modify the same.

(b) Reasonable Notice of intention to apply for confirmation, alteration, or repeal has been given by the U. A. in a local Newspaper and by circular to any Company or Person (who may object before the

* See also Bd. of T. Regulations as to Aerial Electric Conductors, p. 293, and Telegraph Acts, 1863–1892, p. 297.

† Byelaws under Part II., sec. 9, p. 100.

Bd. of T.) to whose Apparatus any Byelaw will Sec. 13.
 apply. * * * * *

(6) Provided that the Bd. of T. may exempt from any Exempted Wires, etc.
 such Byelaw, Alteration or Repeal (for any period not
 exceeding 5 years from the Confirmation thereof) any
 Apparatus stretched or placed—

(a) In the case of a New Byelaw, before its Confirmation;
 or

(b) In accordance with such Byelaw, before its alteration
 or repeal.

(7) Such Byelaws shall not affect any Apparatus belong- Exempted Wires, etc.
 ing to or used by any Railway or Canal Co. placed (now or
 hereafter) across, over, or along any Railway or Canal Tow-
 path, provided that it does not project or stretch—

(a) Beyond such Railway or Tow-path over any Street.

(b) Over any Street (other than a Level Crossing) cross-
 ing over such Railway.

Appeals to Quarter Sessions, sec. 7; also—

P. H. Act, 1875: Rec. of Penalties, sec. 251, p. 72.

14. Danger from Exempted Telegraph Wires.

(1) If such Exempted Apparatus (*sec. 13, sub-secs. 6, 7*)
 is, in the opinion of the Surveyor to the U. A., in such a state
 or position that immediate danger to any person is to be
 apprehended, he may give information to any Justice who
 may summon the person interested therein before a Court
 of S. J.

(2) Such Court may thereupon make an Order—

(a) Requiring such person to remove or remedy the Order of Court.
 source of danger; or

(b) Authorizing the Surveyor to do so at such person's
 Expense;

or make such other Order as may appear to be necessary or
 proper.

Appeal to Quarter Sessions, sec. 7. Rec. of Expenses, sec. 6; also—

P. H. Act, 1875, secs. 251–257, 261, p. 72.

15. Savings.

Nothing in this Part (II.) of this Act shall—

Sec. 15.
Post-
master-
General.
Electric
Lighting
Works.

(a) Extend to any Apparatus or Property of the Post-Master-General.

(b) Extend to any Works of any Undertakers under the Electric Lighting Acts, 1882 (*sec. 14, p. 261*)-1888 (*sec. 4, p. 269*).

Mines.

(c) Limit or interfere with the working of any Mines or Minerals lying under or adjacent to any Street along or across which any of the aforesaid Apparatus shall stretch or be placed. Nor shall the Owner, Lessee, or Occupier of those Mines or Minerals be liable for any Damage occasioned by the ordinary working thereof, to such Apparatus.

Electric Lighting Acts, 1882-1888, p. 253.

Highway and Loco. (Amendt). Act, 1878. Saving for Minerals, p. 483.

P. H. (Support of Sewers) Amendt. Act, 1883. Support to Works in Mining Districts, p. 142.

PART III.

SANITARY AND OTHER PROVISIONS.

(Sections 16-50.)

NOTE.—Adoptive by Urban Authorities and also to the extent provided by Sections 3, 5 and 50, by Rural Authorities.

***16. Injurious Matters not to pass into Sewers of L. A.** (*see also Rivers Pollution Prevention Act, 1876, sec. 7, p. 135*).

Penalties £10 and 20s. daily for throwing, suffering to be *Penalties.* thrown, or passing into any Sewer of the LOCAL A. (or into any Drain communicating therewith) any substance which may interfere with the free flow of Sewage, Surface, or Storm Water therein, or by which such Sewer or Drain may be injured.

Appeal to Quarter Sessions, sec. 7. Chemicals, Steam, etc., not to pass into Sewers, secs. 17; also—

P. H. Act, 1875. Cleansing Sewers by L. A., sec. 16. Use of Sewers by Owners and Occupiers, secs. 21, 22. Exam. of Drains on complaint of N., sec. 41. Nuisances, sec. 91. Rec. of Penalties, sec. 251.

Rivers Poll. Prev. Act, 1876: Discharge of Factories not to prejudicially affect disposal of Sewage, sec. 7, p. 135.

***17. Chemical Refuse, Steam, etc., not to be turned into Sewers of L. A.** (*see also Rivers Pollution Prevention Act, 1876, sec. 7, p. 135*).

(1) *Penalties* £10 and £5 daily on every person who *Penalties.* permits to enter into any Sewer of a LOCAL A., or into any Drain communicating therewith—

(a) Any Chemical Refuse; or

(b) Any Waste Steam, condensed or heated Water, or other liquid exceeding 110° F. in temperature; which either alone or in combination with the Sewage creates a Nuisance or is dangerous to health.

(2) The L. A. may, by their Authorized Officers, enter *Entry on* any Premises (*def.*) to ascertain whether this Section is *premises.* being contravened. Should entry be refused, complaint

* May be adopted by a Rural A., sec. 50.

Sec. 17.
Justices
Order.

may be made (after reasonable Notice, *secs.* 266, 267, of such intended complaint to the custodian) to any Justice, who may by Order require such custodian to admit such Officer.

If it be found that such Offence has or is being committed, the Order shall continue in force until it has ceased, or the work necessary to prevent its recurrence has been executed.

Restriction
on recovery
of penal-
ties.

(3) No penalty shall be incurred under this Section—

(c) Until the L. A. have notified the offender of the provisions of this Section; or

(d) For an offence committed within 7 days from the Service of Notice (provided that Notice need not be given more than once to the same person).

Appeal to Quarter Sessions, sec. 6. Injurious Matters not to pass into Sewers, sec. 16; also—

P. H. Act, 1875, p. 7: Disposal of Sewage, sec. 27. Exam. of Drains on complaint of N., sec. 41. Rec. of Penalties, sec. 251. Notices, *secs.* 266, 267.

Rivers Poll. Prev. Act, 1876: Discharge of Factories not to prejudicially affect the disposal of Sewage, sec. 7, p. 135.

***18. Provision as to LOCAL A. Connecting with or altering, etc., Drains and Sewers.**

(1) Where the Owner or Occupier of any Premises is entitled (*under the P. H. Act, 1875, secs.* 21, 22, p. 16), to cause any Sewer or Drain (*def.*) therefrom to communicate with any Sewer belonging to the LOCAL A., such L. A. shall at such Owner's request, and upon payment of the cost in advance, themselves make the Communication and execute all works necessary for that purpose.

Appeal
against
Surveyor's
Estimate.

(2) If dissatisfied with the estimate (as prepared by the Surveyor) the Owner or Occupier may, if it is—

(a) Under £50, apply to a Court of Summary Jurisdiction to fix the amount.

(b) Over £50, have the amount determined by arbitration (*P. H. Act, 1875, secs.* 179–181, p. 56).

L. A. may
drain
premises.

(3) The L. A. may by agreement with the Owner undertake to make, alter, or enlarge the whole or any part of any Sewer or Drain which he may desire, or is required (*under the P. H. Act, 1875, sec.* 23) to so make, alter, or enlarge.

P. H. Act, 1875, p. 7: Alteration, etc., to Sewers, sec. 18. Penalty for building without Drains, sec. 25. Nuisances, sec. 91.

* May be adopted by a Rural A., sec. 50.

***19. Extension of Sec. 41,† Public Health Act, 1875.**

(1) Where two or more Houses belonging to different Owners (*def.*) are connected with a public Sewer (*def.*) by a single private Drain (*def.* 3), an Application may be made to the LOCAL A. under sec. 41, P. H. Act, 1875 (*p.* 24); and such A. may recover any Expenses incurred by them under that Section from the Owners, as apportioned by their Surveyor, or, in case of dispute, by a Court of S. J.

Nuisance arising from single Drain to several Houses.

(2) Such Expenses may be recovered summarily or may be declared by an URBAN A. to be Private Improvement Expenses (*P. H. A.*, 1875, *sec.* 213).

Expenses.

(3) *For the purposes of this Section the expression, "Drain," includes a Drain used for the drainage of more than one Building.*

Def. of Drain.

P. H. Act, 1875, *p.* 7: Maintenance and Making of Sewers, *sec.* 15. Cleansing Sewers, *sec.* 19. Private Impt. Expenses, *sec.* 213. Rec. of Expenses, *secs.* 251–257, 261.

20. Sanitary Conveniences for Public Accommodation in URBAN Districts.

(1) Where an URBAN A. provide and maintain for public accommodation any Sanitary Conveniences (*def.*), such A. may—

Byelaws and Regulations, Fees, etc.

(a) Make Regulations respecting the management thereof and *Byelaws* as to the decent conduct of persons using the same.

(b) Let the same for any term not exceeding 3 years.

(c) Charge Fees for the use of the Water-closets.

(2) No Public Sanitary Conveniences shall, after the adoption of Part III. of this Act, be erected in or accessible from any Street without the written consent of the U. A., who may impose terms as to the use of or removal thereof at any time.

Sanitary Convenience not to be accessible from Street.

(3) *Penalties* £5 and 20s. daily for erecting a Sanitary Convenience in contravention of this Section, or failing (after Notice from the U. A. to that effect) to remove the same.

Penalties.

* May be adopted by a Rural A., *sec.* 50.

† Viz.:—Examination of Drains, Privies, etc., on complaint of N.

Sec. 20.

Railway
Companies.

(4) This Section does not extend to any Sanitary Convenience erected by a Railway Co. within their Station Yard or on the Approaches thereto.

P. H. Act, 1875, p. 7: Power of U. A. to provide Urinals, W.C.'s, etc., sec. 39. Provision by U. A. of Receptacles for Dust, Ashes, Rubbish, etc., sec. 45. Making of Byelaws, secs. 182-188. Rec. of Penalties, sec. 251. Notices, secs. 266, 267. Making of Regulations, sec. 188.

***21. Sanitary Conveniences used in Common in URBAN Districts.**

Provisions respecting Sanitary Conveniences (*def.*) used in Common by the Occupiers of 2 or more Dwelling-houses, or by other Persons, viz.—

Fouling of
Sanitary
Conveni-
ence used
in common.

(1) *Penalty* 10s. on any person who injures or improperly fouls any such Sanitary Convenience or anything used in connection therewith.

(2) *Penalties* 10s. and 5s. daily on any persons having the use of any Sanitary Convenience in common by whose default (or in the absence of proof satisfactory to the Court as to which of such Users is in default, all such Users) the same or the Approaches thereto or the Walls, Seats, or Fittings thereof is or are in the opinion of the URBAN A. (or their Nuisance Inspector or Medical Officer (*def.*)) in such an uncleanly condition as to be a Nuisance or annoyance.

P. H. Act, 1875, p. 7: L. A. need not require separate W.C. to each House, sec. 36. Power of U. A. to provide Urinals, W.C.'s, etc., sec. 39. Provision of Receptacles for Dust, Ashes, Rubbish, etc., sec. 45. Rec. of Penalties, sec. 251.

22. Sanitary Conveniences for Manufactories in URBAN Districts. (*Where this Section is in force, sec. 38, P. H. Act, 1875, is repealed.*)

(1) Every Building erected before or after the adoption of Part III., and used as a Workshop, or Manufactory, or where Persons are, or are intended to be, employed in any Trade or Business, shall be provided with sufficient and suitable Sanitary Conveniences (*def.*, sec. 11) for the number of employees in or in attendance, and also, if both sexes are employed, with proper separate accommodation for each sex.

Sufficient
accommo-
dation for
both sexes.

(2) On their Surveyor's Report that this Section is being

* May be adopted by a Rural A., sec. 50.

contravened, the URBAN A. may by written Notice require Sec. 22.
the Owner or Occupier of any such Building to make such
Alterations and Additions as may be requisite to comply
with this Section.

(3) *Penalties* £20 and 40s. daily for non-compliance with
such Notice.

P. H. Act, 1875, p. 7: Rec. of Penalties, sec. 251. Notices, secs. 266, 267.
Factories Act, 1878, Inspector to notify L. A. as to default to Factory
W.C.'s, etc., sec. 4.

23. Extension of Sec. 157, Public Health Act, 1875 (*p.* 47). Powers for

The above Section shall be extended so as to empower making
any URBAN A. to make *Byelaws* with respect to— Byelaws
for New

(a) Keeping Water-closets supplied with sufficient Water Streets and
for Flushing. Buildings.

(b) Structure of Floors, Hearths, and Staircases, and
heights of Rooms for human habitation.

(c) Paving of Yards and Open Spaces in connection with
Dwelling-houses.

(d) Provision (in connection with the laying out of New
Streets) of Secondary means of Access where neces-
sary in order to remove house-refuse and other
matters.

(2) Any *Byelaw* under sec. 157, as above extended, Byelaws
respecting— affecting
Buildings
(e) The drainage of Buildings and to Water-closets, erected be-
Earth-closets, Privies, Ash-pits, and Cesspools, in fore L. G.
connection therewith; and Acts came
into force
in District.

(f) The keeping of Water-closets supplied with sufficient
Water for flushing;

may be made so as to affect Buildings erected before the
times mentioned in the said Section (*sec.* 157, *P. H. Act*,
1875, *p.* 47).

*(3) RURAL Authorities are hereby empowered to make Power of
Byelaws as follows:—Firstly— R. A. to
make
Byelaws.

Under the above extended Section (157) with respect to—

(g) The Structure of Walls and Foundations of New
Buildings for *purposes of Health*;

* May be adopted by a Rural A., see sec. 50.

Sec. 23.

(h) The sufficiency of Air Space about Buildings to secure a free circulation of air and to the Ventilation of Buildings ;

(i) The Drainage of Buildings, to Water-closets, Earth-closets, Privies, Ash-pits, and Cesspools in connection therewith, and to the Closing of Buildings (or parts thereof) unfit for Human Habitation, and to the prohibition of their use for such habitation.

Secondly—Under this Section (23) with respect to:—

(k) The Structure of Floors and the heights of Rooms for human habitation ;

(l) The keeping of Water-closets supplied with sufficient water for flushing.

Such RURAL A. may also provide for the observance and enforcement of such Byelaws under the P. H. A., 1875 (*secs.* 157, 158, 182–188.)

Further
Powers of
R. A. as to
Byelaws.

Byelaws
as to
Alterations.

(4) Every LOCAL A. may make *Byelaws* to—

“ Prevent Buildings erected in accordance with Byelaws
“ made under the P. H. Acts, from being altered in
“ such manner that, if at first so constructed, they
“ would have contravened such Byelaws.”

For Byelaws under this Section, see p. 565. Buildings described in deposited plans otherwise than as Dwelling-houses not to be used as such, *sec.* 33. Means of ingress and egress to or from places of public resort, *sec.* 36; also—

P. H. Act, 1875: Provision of W.C., etc., Accommodation, *secs.* 36–41. Def. of New Building, *sec.* 159. Making of Byelaws, *secs.* 182–186.

24. Rooms over Privies, etc., not to be used as Dwelling or Sleeping Rooms in URBAN Districts.

Penalties 40s. and 10s. *daily* for occupying, or suffering to be occupied, after one month from the Adoption of this Part (III.) of this Act (whether built before or after such Adoption), and after 7 days' Notice from the URBAN A., a Room, any part of which extends immediately over any Privy (not being a W.C. or E.C.) Cesspool, Midden or Ash-pit (*def. sec.* 11) during any portion of the day or night, as a Dwelling or Sleeping-place, Workroom or place of habitual employment in any Manufacture, Trade, or Business.

Def. of Ash-pits, *sec.* 11; also—

P. H. Act, 1875, Rec. of Penalty, *sec.* 251, p. 72.

*25. Penalty for erecting Buildings on Ground filled up with Offensive Matter.

Penalties £5 and 40s. daily for erecting a New Building on any site filled up with any matter impregnated with Fæcal, Animal, or Vegetable Matter, or upon which any such matters have been deposited, until the same has been properly removed (by excavation or otherwise), or has been rendered or become innocuous.

P. H. Act, 1875, p. 7: Def. of New Building, sec. 159. Rec. of Penalty, sec. 251. Byelaws as to New Buildings, p. 517.

26. Power to make Byelaws for certain Sanitary purposes.

(1) An URBAN A. may make *Byelaws* for—

(a) Prescribing the times for the removal or carriage Byelaws for Removal of offensive matter through Streets. through the Streets of any Fæcal, Offensive, or Noxious Matter or Liquid, whether the same shall be in course of carriage from within, without, or through their District;

(b) Providing that the vessel, receptacle, cart, or carriage used shall be properly constructed and covered so as to prevent the escape of any such matter or liquid;

(c) Compelling the cleansing of any place whereon such matter or liquid has been dropped or spilt.

*(2) Where a LOCAL A. themselves undertake or contract for the removal of House Refuse (*under sec. 42, P. H. A., 1875, p. 25*), they may make *Byelaws* imposing such duties on the Occupiers as will facilitate the work. Byelaws to facilitate Removal of House Refuse.

P. H. Act, 1875, p. 7: Power of L. A. to make Byelaws for Removal of House Refuse, Cleansing of E.C.'s, etc., sec. 44. Making of Byelaws, secs. 182-186.

27. Provision for keeping common Courts and Passages clean in URBAN Districts.

(1) Where any—

(a) Court;

(b) Passage leading to the back of several Buildings in separate occupations; not being a Highway is not regularly and effectually swept and kept clean, and free from rubbish or other accumulation

* May be adopted by a Rural A., sec. 50.

Sec. 27. to the satisfaction of the URBAN A., such A. *may* sweep and clean the same.

Apportion-
ment of
Expenses. (2) The Expenses thus incurred shall be apportioned by the Surveyor or (in case of dispute) by a Court of S. J., between (and may be recovered summarily from) the Occupiers of the Buildings situated in the Court, or to the back of which the passage leads.

Byelaw as to Back Passages, No. 1, p. 565; also—
P. H. Act, 1875: Cleansing of Streets, secs. 42, 44. Power of Surveyor of Highways, sec. 144. Vesting of Streets in U. A., sec. 149. Power to compel paving of Private Streets, sec. 150. Dedication of Private Streets, sec. 152. Rec. of Expenses and Legal proceedings, secs. 251–263.

*28. Extension of Section 116, Public Health Act, 1875, relating to Unsound Meat.

29. Duration of Licences for Slaughter-houses.

30. Notice of change of Occupation of Slaughter-house.

31. Revocation of Licence on Conviction for Sale of Meat unfit for Food.

*32. Extension of Section 84, Public Health Act, 1875, *re* Common Lodging-houses.

*33. Buildings described in deposited Plans otherwise than as Dwelling-houses not to be used as such.

(1) *Penalties* £5 and 40s. *daily* for permitting any Building (or part thereof) described in the plan deposited with the LOCAL A., either before or after their adoption of Part III. of this Act, otherwise than as a Dwelling-house, to be used for Human Habitation other than by a Caretaker and his family.

(2) *Provided that such Building may be used as a Dwelling-house if—*

(a) The open space at the rear complies with the requirements of any Act or Byelaw (*Byelaws*, Nos. 43–44, p. 535) for the time being in force with respect to Dwelling-houses; and that

When
Building
may be
used as
Dwelling-
house.

* May be adopted by a Rural A., sec. 50.

- (b) It has undergone such Structural Alterations as may Sec. 33.
in the opinion of the L. A. render it fit for that
purpose.

See Byelaws (p. 563) made under sec. 23, *ante*; also Byelaws (p. 517)
made under sec. 157, P. H. A., 1875, p. 47.

34. Hoards to be set up during progress of Buildings, etc.,
in URBAN Districts. (*Where this Section is in force, sec. 80,*
"Towns Impt. Clauses Act, 1847," p. 157, is repealed.)

Penalties £5 and 40s. daily on every person intending to
build, take down, alter, or repair the outward part of any
Building in any Street (*def. p. 8*) or Court who fails to
comply with the following Provisions to the satisfaction of
the URBAN A., viz.:—

- (a) Before commencing the same (unless otherwise Hoads,
etc.
sanctioned by such U. A.), to separate the Building
from the Street or Court by a close-boarded Hoard
or Fence; and
- (b) If required by such U. A. to make a convenient Temporary
Footway.
covered Platform and Handrail outside such Fence
to serve as a footway for passengers;
- (c) To maintain such hoards, fence, platform, and hand- Mainte-
nance of
Hoards.
rail in good condition so long as such A. may
require;
- (d) If required by such U. A. to sufficiently light the Lighting.
same at night;
- (e) To remove the same when required by such U. A. Removal
of Hoards.

Towns Impt. Clauses Act, 1847, p. 149: Deposit of Building Materials,
etc., to be enclosed and lighted, secs. 81, 82. Enclosing, etc., Dangerous
Premises, sec. 83.

35. As to Repair of Cellars, etc., under Streets in URBAN
Districts.

(1) All Vaults, Arches, Cellars, and all openings thereto,
as also all Cellar-heads, Gratings, Lights, or Coal-holes under
or opening from, or in, the surface of any Street (*def. p. 8*),
and all Landings, Flags, or Stones of the Path or Street
supporting the same respectively, shall be kept in good con-
dition and repair by the Owners or Occupiers of the same,
or of the Buildings to which they belong.

Sec. 35. (2) Where default is made, the URBAN A, may, after 24 hours' Notice, themselves remedy such default, and recover the expense summarily from the Owner or Occupier.

U. A. may
remedy
default and
recover
cost.

P. H. Act, 1875, p. 7: Penalty for unauthorized Building under Carriage-ways, sec. 26. U. A. to be Surveyor of Highways, sec. 144. Vesting of Streets in U. A., sec. 149. Rec. of Expenses, secs. 251-257. Notices, secs. 266, 267.

Towns Impt. Clauses Act, 1847, p. 149: Doors to open inwards, secs. 71, 72. Coverings for Cellar-doors to be made by Occupiers, sec. 73.

Towns Police Clauses Act, 1847, p. 159: Penalty for defective Cellar Coverings, sec. 28.

36. Means of Ingress to or Egress from places of Public Resort in URBAN Districts.

(1) Every Building in any URBAN District, used as a place of public Resort (*def. sub-sec. 6*) shall, to the satisfaction of the U. A., be substantially constructed and supplied with ample, safe, and convenient means for public ingress and egress, regard being had to the purposes for which such Building is intended to be used, and to the number of persons likely to be assembled at any one time therein.

Free
Access.

(2) The means of Ingress and Egress shall be kept free and unobstructed to such extent as the U. A. shall require.

Inspection
by U. A.

(3) An officer of the U. A., on producing their written authority (*sec. 266, P. H. A., 1875, p. 74*), may, at all reasonable times, enter and inspect any such Building.

Penalty.

(4) *Penalty* £20 on the Occupier or Manager (or on the Owner in the case of a Building let for any period less than one year) who fails to comply with this Section.

Power to
Close, etc.,
Buildings.

(5) The Court may refuse to inflict a penalty for failure to provide proper means of ingress or egress until a reasonable time has been allowed for making such alterations, but may make such Order as they think fit for Closing (or otherwise) the Building during such time.

Definitions
of "Public
Resort."

(6) Definition of expression, "Place of Public Resort," viz.:—

A Building used, constructed, or adapted to be used either ordinarily or occasionally as—

(a) A Church, Chapel, or other place of public worship (not being merely a Dwelling-house so used), saving such as was so used before, or at the time of the adoption of Part III. of this Act;

(b) A theatre, public hall, public concert-room, public ball-room, public lecture-room or public exhibition-room ;

(c) A public place of assembly for persons admitted thereto by tickets or by payment ; or

(d) for any public purpose ;

but shall not include a private Dwelling-house used occasionally or exceptionally for any of these purposes.*

Exemption
of Dwell-
ing-house.

For Byelaws as to public Buildings made under sec. 23, *ante*, see p. 573.

For Byelaws as to public Buildings made under sec. 157, P. H. A., 1875, see p. 517.

37. Safety of Platforms, etc., erected or used on Public Occasions in URBAN Districts.

Every Roof of a Building, and every platform, balcony, or other structure, or part thereof, intended to be let or used for the purpose of affording sitting or standing accommodation for a number of persons on the occasion of any show, entertainment, public procession, open-air meeting,

* The *Factory and Workshops Act*, 1891 (Sec. 7), provides for the protection of Factory operatives from Fires, as follows, viz. :—

(1) Every Factory of which the construction is commenced *after Jan. 1st*, 1892, wherein more than forty persons are employed, shall be furnished with the Sanitary Authority's Certificate that the Stories above Ground Floor are provided with such means of escape in case of Fire as can reasonably be required under the circumstances of each case.

Any Factory not so furnished shall be deemed not to be kept in conformity with the "Factory and Workshops Act, 1878" (sec. 3).

It shall be the duty of the S. A. to examine every such Factory, and on being satisfied that it is so provided, to give the aforesaid Certificate.

(2) As soon as may be after the passing of this Act, and afterwards from time to time, the S. A. shall ascertain whether all Factories to which the foregoing provision does *not* apply, and in which more than forty persons are employed, are provided with means of escape as aforesaid, and where not so provided, shall serve on the Owner (as defined by sec. 4, P. H. Act, 1875) of the Factory, a written Notice, specifying the measures necessary for providing such means of escape, and requiring him to carry out the same before a specified date.

Whereupon such Owner shall (notwithstanding any agreement with the Occupier) have power to comply with such Requirement.

Penalty £1 daily on Owner for failure to comply with Requirement.

Differences between S. A. and Owner to be settled by Arbitration (for details see Act).

(3) The Expenses incurred by a S. A. shall be defrayed under the P. H. Act, 1875—

(a) By an Urban A. under Sec. 207, p. 62.

(b) By a Rural A. under Sec. 229 (charged to the Contributory Place in which the Factory is situate), p. 65.

* * * * *

Sec. 37. or other like occasion, shall be safely constructed or secured to the satisfaction of the Surveyor to the URBAN A.

Penalty £50 for non-compliance.

Towns Impt. Clauses Act, 1847 : Ruinous and Dangerous Buildings, sec. 75, p. 155.

38. Byelaws for prevention of danger from Whirligigs, Shooting-galleries, etc., in URBAN District.

An URBAN A. may make *Byelaws* for the prevention of danger from—

- (a) Whirligigs and Swings driven by steam power ; and
- (b) The use of Firearms in Shooting Ranges and Galleries.

P. H. Act, 1875 : Making of Byelaws, secs. 182–186, p. 57.

39. Refuges, etc., in Streets in URBAN District.

An URBAN A. may place, maintain, alter, and remove in any Highway, such raised paving or places of refuge, together with such pillars, rails, or other fences (either permanent or temporary) as may be necessary—

- (a) To protect passengers and traffic along the Street or footways from injury, danger, or annoyance ; or
- (b) To render the Crossing of any Street less dangerous to passengers.

P. H. Act, 1875, p. 7 : U. A. to be Surveyor of Highways, sec. 144. Vesting of Streets in U. A., sec. 149.

40. Cabmen's Shelters in URBAN District.

(1) An URBAN A. may provide, maintain, and remove in or near any Street, suitable Erections for the use and shelter of Drivers of Hackney Carriages and such other persons as such A. may determine.

(2) Such A. may make—

- (a) *Regulations* for prescribing the terms, conditions, and fees (if any) chargeable for the use of such Shelters ; and
- (b) *Byelaws* for regulating the conduct of the users thereof.

P. H. Act, 1875, p. 7 : U. A. to be Surveyor of Highways, sec. 144. Vesting of Streets in U. A., sec. 149. Making of Byelaws and Regulations, secs. 182–188.

41. Adoption of Private Streets in URBAN District. (*Where*

the "*Private Street Works Act, 1892*," is adopted, this Section Sec. 41.
does not apply.)

Where this Part (III.) of this Act is adopted, Sec. 152 Repeal of
 of the P. H. A., 1875, shall be repealed, and the following Sec. 152,
 provisions substituted therefore— P. H. Act,
1875.

*(1) Whenever *all or any* of the works mentioned in Sec.
 150 of the P. H. A., 1875, have been executed in
 a street, *or part of a street*, under that section by
 an **URBAN A.**, and such U. A. are of opinion that
 such street, *or part thereof*, ought to become a
 Highway, they may, by Notice to be fixed up
 therein, declare the whole of such street (or part
 thereof) to be a Highway.

(2) Provided that no such Street shall become a High- Owners
 way if within one month after such Notice has may object
 been put up, *the Owner* (or the majority in number to Dedic-
or value of Owners) of such Street, by Notice in
 writing to the U. A., object thereto, and in ascer-
 taining such majority, *Joint Owners* shall be
 reckoned as one *Owner*.

Def. of "paved," sec. 11, *ante*; also—
 P. H. A., 1875, p. 7: Power to compel paving of Private Streets, sec.
 50. Adoption of Private Streets, sec. 152.
 Highway Act, 1835. Dedication of New Highways in Rural Districts,
 sec. 23, p. 440.

42. Statues and Monuments in **URBAN** Districts.

Any **URBAN A.** may authorize the erection in any
 Street or public place of any Statue or Monument, and
 may maintain the same (as also any Statue or Monument
 erected before the adoption of Part III.), and may remove
 any Statue or Monument so authorized by them.

P. H. Act, 1875, p. 7: U. A. to be Surveyor of Highways, sec. 144.
 Damaging Trees, sec. 149.

43. Trees in Roads in **URBAN** Districts.

An **URBAN A.** may plant trees in any Highway, and
 erect Guards or Fences to protect the same. Provided that
 no Trees shall be so planted so as to hinder reasonable

* This Section differs from sec. 152, P. H. Act, 1875, to the extent indi-
 cated by the italicised words.

Sec. 43. use of such Highway, or to become a Nuisance or injurious to adjacent property owners..

P. H. Act, 1875, p. 7: U. A. to be Surveyor of Highways, sec. 144. Damaging Trees, sec. 149.

Highway Act, 1835. Hedges, Trees, etc., affecting Highways, secs. 63-68, p. 446.

44. Parks and Pleasure-grounds in URBAN * Districts.

NOTE.—Under this Section an URBAN A.* may—

(a) *Close Pleasure-grounds or Parks provided by them for 12 days a year, and let the same for Agricultural, Horticultural, or other Show or public purposes.*

Boats. (b) *Provide and let Boats for hire on any Water in such Parks (Byelaws).*

P. H. Act, 1875, p. 7: Power of U. A. to provide Public Parks, sec. 164. Power of U. A. to make Byelaws for licensing Horses, Boats, etc., sec. 172. Making of Byelaws, sec. 182-186.

45. Extension of Sec. 164, P. H. Act, 1875 (Pleasure Grounds).

The power of an URBAN A. under the above Section to contribute to the support of Public Walks or Pleasure-grounds shall include power to contribute towards:—

(a) *The cost of laying-out, planting, or improving any Lands provided by any person and permanently set apart as Public Walks or Pleasure-Grounds—and situated, whether in the District or not, so as to be conveniently used by the Inhabitants thereof.*

(b) *The purchase by any person of any Lands so situate and to be so set apart as aforesaid.*

See references to sec. 44.

46. Extension of Sec. 165, P. H. Act, 1875 (Public Clocks).

The above section shall be extended so as to enable any URBAN A. to pay the reasonable cost of the repairing, winding up and lighting any public Clock although the same may not be vested in them.

†47. Penalty for throwing Cinders, etc., into Streams.

Penalty 40s. for throwing, placing, or suffering to be thrown or placed into any River, Stream, or Watercourse within the District, any Cinders, Ashes, Bricks, Stones, Rubbish, Dust, Filth or other Matter likely to cause annoyance.

* As to the powers of a Parish Council under this Section, see Local Gov. Act, 1894, sec. 8, p. 394.

† May be adopted by a Rural A., sec. 50.

P. H. Act, 1875, p. 7: Sewage to be purified before being discharged Sec. 47. into Streams, sec. 17. Cleansing Offensive Ditches, sec. 48. Pollution of Water, Streams, and Wells, secs. 68-70. Nuisances, sec. 91 (2). Rec. of Penalties, sec. 251; also—

Rivers Poll. Prev. Act, 1876: Prohibition as to putting Offensive Matter into Streams, sec. 2, p. 131.

***48. Extension of Sec. 306, P. H. Act, 1875 (Notice Boards).**

So much of the above Section as imposes Penalties for destroying, pulling down, injuring, or defacing any Board on which any Byelaw, Notice, or other matter is inscribed shall apply to persons who destroy, pull down, etc., any Advertisement, Placard, Bill, or Notice put up by or under the direction of the LOCAL A.

***49. Power to determine Expenses of RURAL A. to be Special Expenses.**

The L. G. B. may on the application of any RURAL A. declare any Expenses incurred by such A. to be Special Expenses within the meaning of Secs. 229, 230, Public Health Act, 1875 (p. 65).

50. Application of Part of Act in RURAL Districts.

The following Provisions of Part III. of this Act shall be applicable to RURAL Districts, viz :—

| Section | Relating to |
|--------------|---|
| 16 | Injurious matter being passed into Streams. |
| 17 | Turning of Chemical Refuse, Steam, etc., into Sewers. |
| 18 | Local Authorities making communication with Drains. |
| 19 | The extension of Sec. 41, P. H. Act, 1874 (respecting joint Drainage of Houses). |
| 21 | Sanitary Conveniences used in Common. |
| 23 | So much as relates to the Extension of Sec. 157, P. H. A., 1875, as applies to a RURAL A. |
| 25 | Penalty for erecting Buildings on Ground filled up with offensive matter. |
| 26 (s.-s. 2) | The Power to make Byelaws for certain Sanitary purposes. |
| 28 and 32 | Extension of Secs. 116, 119, 84, P. H. A., 1875, relative to Unsound Food and Lodging-houses. |
| 33 | The use of Buildings described in deposited plans otherwise than Dwelling-houses. |
| 47 | The restriction on throwing Cinders, etc., into Streams. |
| 48 | The extension of Sec. 306, P. H. A., 1875 (<i>re</i> damage to Notice, etc., Boards). |
| 49 | The power of tho L. G. B. to determine expenses, etc., of RURAL A. to be Special Expenses. |

* May be adopted by a Rural A., sec. 50.

PART IV.

MUSIC AND DANCING.

51. Provisions as to Music and Dancing Licences issued by Licensing Justices.

PART V.

STOCK.

52. Issue of Stock by a L. A.

PRIVATE STREET WORKS ACT, 1892.

(55 & 56 VICT., CAP. 57.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Short Title, Construction, and Extent of Act.
2. May be adopted by Urban A.
3. Resolution and Procedure for Adoption of Act.
4. Local Government Board may extend Act to Rural Districts.
5. Definitions.
6. Private Street Works.
7. Objections to proposed Private Street Works.
8. Hearing and determining of Objections.
9. Incidental Works and Commission.
10. Apportionment of Expenses of Private Street Works.
11. Amendment of Specification, Plan, etc.
12. Final Apportionment and recovery of Expenses.
13. Final Apportionment to remain a Charge on the Premises.
14. Recovery of Expenses of Private Street Works.
15. U. A. may contribute all or part of the Expenses of any Private Street Works.
16. Exemption of Incumbent of Church, etc., as Owner from Expenses of Private Street Works.
17. Power for limited Owners to Borrow for Expenses of Private Street Works.
18. Power of U. A. to Borrow for Private Street Works.
19. U. A. may adopt Private Streets on all or any of the Private Street Works being done.
20. U. A. shall adopt Private Streets at request of Owners on all Private Street Works being done.
21. U. A. to keep separate Accounts of Expenses of Private Street Works.
22. Railways and Canals abutting, but not communicating with Streets, not to be chargeable with Private Street Expenses.
23. Expenses of L. A.
24. Powers of Act cumulative.
25. Where this Act is adopted, secs. 150–152 of the P. H. A., 1875, and sec. 41 of the P. H. A. Amendt. Act, 1890, shall not apply.
26. For protection of Conservators of the River Thames.

PRIVATE STREET WORKS ACT, 1892.

(55 & 56 VICT., CAP. 57.)

NOTE.—May be adopted by Urban Authorities. As to Rural Authorities see Section 4.

Where this Act is adopted, Secs. 150, 151, 152 P. H. Act, 1875 (p. 44), and Sec. 41 P. H. A. Amendment Act, 1890 (p. 116), shall not apply (see Sec. 25).

1. This Act to be construed as one with the P. H. Acts, and which together may be cited as the P. H. Acts (*def.* p. 175).

2. Act may be adopted by URBAN Authorities (*Rural A., sec. 4*).

3. Resolution and Procedure for Adoption of Act.

4. L. G. B. may extend Act to RURAL Districts (in like manner as Investment under *sec. 276* of the P. H. Act, 1875, p. 77).

5. Definitions.

The expressions * * * "Surveyor," "Lands," "Premises," "Owner," "Drain," "Sewer," to have the same meaning as in the P. H. Acts.

Words referring to "Paving, Metalling, and Flagging," include Macadamising, Asphalting, Gravelling, Kerbing, and every method of making a Carriage-way or Footway.

6. Private Street Works (*also see Incidental Works, sec. 9*).

(1) Where any Private Street (or part thereof) is not

Sewered, Levelled, Paved, Metalled, Flagged, Channelled, made good, and Lighted to the satisfaction of the U. A., such A. may from time to time resolve to do any one or more of the following Private Street Works, viz.:—

Sec. 6.
Power of
U. A. to
Pave, etc.,
Private
Streets,
and to
apportion
expense on
Frontagers.

“To Sewer, Level, Pave, Metal, Flag (*def. sec. 5*), Channel, or make good, or provide proper means for Lighting,” and apportion the expenses incurred (*subject to secs. 10 and 22*), on the Premises fronting, adjoining, or abutting thereon. Any such Resolution may include several Streets or parts thereof, or may be limited to any part or parts of a Street.

(2) The Surveyor shall prepare, as respects each Street, or part thereof—

- (a) *A Specification describing generally the Works and things to be done, and in the case of Structural Works, specifying as far as may be the foundation, form, material, and dimensions thereof;*
- (b) *Plans and Sections (if applicable) showing the constructive character of the Works, the connections (if any) with existing Streets, Sewers, or other Works, and the lines and levels of the Works, subject to such limits of deviation (if any) as shall be indicated;*
- (c) *Estimate showing particulars of the probable cost of the whole Works, including the 5 per cent. commission (sec. 9).*
- (d) *Provisional Apportionment stating the amounts charged on the respective Premises, the names of the respective Owners, or reputed Owners, also whether the Apportionment is made according to the Frontage of the respective Premises or not, the measurements of the Frontages, and the other considerations (if any) on which the Apportionment is based;*

Schedule,
Part I.

Surveyor
to prepare
Specifica-
tion, Plans,
Estimate,
and Appor-
tionment.

which Particulars shall be submitted to the U. A., who may, by Resolution, approve the same with or without modification or addition.

(3) Such Resolution shall be—

- (a) *Published on 2 successive weeks in some Local Newspaper.*
- (b) *Posted „ 3 „ in or near the Street to which it relates.*
- (c) *Served on the aforesaid Owners within 7 days of Publication.*

Resolution
to be Pub-
lished, and
Particulars
to be open
to inspec-
tion.

During one month from the date of the first Publication, the approved Particulars shall be open to inspection, at the U. A. offices, at all reasonable times.

Objections to proposed Works, secs. 7, 8. Power to amend Specification, Plan, etc., sec. 11. Exemption of Incumbent, sec. 16. Adoption of Private Streets, secs. 20, 21. Apportionment of Expenses, secs. 10, 22. Separate accounts of Expenses to be kept, sec. 22.

7. Objections to proposed Private Street Works.

During the said month any such Owner may, by Written Notice, object to the proposals of the U. A. on any of the following grounds—

- Objections. (a) *That an alleged Street, or part thereof, is not, or does not form part of, a Street within the meaning of this Act ;*
 (b) *That a Street, or part thereof, is (in whole or in part) a Highway ;*
 (c) *That there has been some material informality, defect, or error in or in respect of the Resolution, Notice, Plans, Sections, or Estimate ;*
 (d) *That the proposed Works are insufficient or unreasonable, or that the Estimated Expenses are excessive ;*
 (e) *That any Premises ought to be excluded from, or inserted in, the Provisional Apportionment ;*
 (f) *That the Provisional Apportionment is incorrect in respect of some matter of fact to be specified in the Objection or (where made with regard to other considerations than Frontage, sec. 10) in respect of the degree of benefit to be derived by any Persons, or the amount or value of any work already done by any Owner or Occupier.*

Joint Tenants, or Tenants in common, may object, through one of their number authorized in writing, under the hands of the majority.

8. Hearing and determination of Objections.

Applica-
tion to
Court of
S. J.

(1) After the expiration of the said month, the U. A. may apply to a Court of S. J. to appoint a time for determining the matter of all Objections, and shall publish Notice of the time and place appointed, copies of which shall be served on the Objectors.

Powers of
Court.

The Court may—

- (a) Quash all, or part of, or may amend the Particulars (*sec. 6, sub-sec. 2*) on the application either of any Objector or of the U. A.
 (b) Adjourn the hearing, and direct any further Notices to be given.

Costs of
proceed-
ings.

(2) * * * * *
 (3) The cost of such proceedings shall be in the discretion of the Court, who may direct all, or part of any Objectors' costs, to be paid in the first instance by the U. A., and charged as part of the expenses of the Works on his or their Premises in such proportion as may appear just.

9. Incidental Works and Commission.

(1) The U. A. may include (*under sec. 6*) any Works

which they think necessary to bring the Street, or part thereof, as regards Sewerage, Drainage, Level, or other matters, into conformity with any other Streets (whether or not Highways), including the provision of Separate Sewers for the reception of Sewage and of Surface Water respectively.

Adjoining
Streets.

Surface
Water.

(2) A Commission of 5% (to be credited to the District Fund) may be included in any Estimate for "Private Street Works" in respect of Surveys, Superintendence, and Notices.

Commis-
sion of 5%
may be
charged.

10. Provisional Apportionment.

In a Provisional Apportionment the Expenses shall, unless the U. A. otherwise resolve, be Apportioned according to the Frontage of the respective Premises; but such A. may resolve that in settling the Apportionment, regard shall be had to the following considerations—

(a) The greater or lesser degree of benefit to any Premises from such Works.

(b) The amount and value of any Work already done by the Owners or Occupiers of any such Premises.

They may also include any Premises which do not so front, adjoin, or abut, but which have access from the Street through a Court, Passage, or otherwise, and which, in their opinion, will be benefited by the Works, and may fix the sum or proportion to be charged against any such Premises accordingly.

Premises
having
access to
Street may
be included
in appor-
tionment.

Final Apportionment and Rec. of Expenses, secs. 12–15. Apportionment on Railway or Canal, sec. 22.

11. Amendment of Specification, Plan, etc.

The U. A. may, from time to time, amend the Particulars (sec. 6, sub-sec. 2); but if the Total Amount of the Estimate is increased, such Estimate and Provisional Apportionment shall be—

Procedure.

(a) Published on 2 successive weeks in some Local Newspaper;

(b) Posted " 3 " in or near the Street to which it relates;

(c) Open to inspection at the U. A. Offices at all reasonable times;

(d) Served on the Owners of the Premises affected thereby.

Objections to the Increase and Apportionment may be made, and determined in like manner as Objections to the original Estimate and Apportionment (sec. 8).

Objections
to Increase.

12. Final Apportionment and recovery of Expenses.

(1) On the completion of any "Private Street Works," the Surveyor shall make a Final Apportionment (which shall be conclusive) by dividing the Expenses in the same proportions as the Estimated Expenses. Notice of such Final Apportionment shall be served upon the Owners of the Premises affected, and the sums Apportioned recovered under sec. 14, or as Private Impt. Expenses under the P. H. Act, 1875 (sec. 213, p. 63), including the power to declare any such Expenses to be payable by Instalments.

Objections
to be made
within one
month.

(2) Within one month after such Notice any Owner may object on the following grounds—

- (a) That the Actual Expenses have, without sufficient reason, exceeded the Estimated Expenses by more than 15%.
- (b) That the Final Apportionment has not been made in accordance with this Section.
- (c) That there has been an unreasonable departure from the Specifications, Plans, and Sections.

(3) Such Objections to be determined in the same manner as Objections to the Provisional Apportionment (*sec. 8*).

13. Final Apportionment to remain a Charge on the Premises, and U. A. to keep Register of Charges.

(1) Final Apportionment to remain a charge on the Premises.

(2) The U. A. shall—

- (a) Keep a Register of Charges under this Act, and of the Payments made in satisfaction thereof.
- (b) Keep such Register open to inspection of all Persons, at all reasonable times, on payment of 1s., in respect of each Name or Property searched for.
- (c) Furnish Copies of any part of such Register on payment of such reasonable sum as they may fix.

14. Expenses of Private Street Works may be recovered summarily or by action with 4% interest from date of Final Apportionment.

15. U. A. may contribute all, or part of, the Expenses of any Private Street Works.

*16. Exemption of Incumbent of Church, etc., as Owner from Expenses of any Private Street Works.

Expenses of Private Street Works shall not be charged on the Incumbent, Minister or *Trustee* of any Church, Chapel, or place of Public Worship (by Law exempt from Poor Rates), or of any Churchyard or Burial-ground attached thereto, and such Expenses hereby exempted *shall* be borne by the U. A.

17. Limited Owners may Borrow for Expenses of Private Street Works.

18. U. A. may Borrow for Private Street Works under secs. 233-243, P. H. Act, 1875 (p. 67).

19. U. A. may adopt Private Streets on all or any of the Private Street Works being done.

Whenever *all or any* Private Street Works (*secs. 6 and 9*) have been executed, the U. A., if of opinion that the Street or part thereof should become a Highway, may, by Notice fixed thereon, declare the whole or part thereof to be a Highway.

20. U. A. shall adopt Private Streets at request of Owners on all Private Street Works being done.

If any Private Street is now or shall hereafter be Sewered, Levelled, Paved, Metalled, Flagged, Channelled, and made good (all such works being done to the satisfaction of the U. A.), the U. A. shall within 3 months of the Written Application of the greater part in value of the Owners of the Houses and Land in such Street, by Notice fixed therein, declare the same to be a Highway.

21. U. A. to keep Separate Accounts of Expenses of Private Street Works.

(1) The U. A. shall keep Separate Accounts of all Moneys expended and recovered by them in the execution of Private Street Works under this Act.

(2) All such Moneys recovered shall be applied in re- Repayment
of Loans.

* The italicised words indicate the difference between this Section and sec. 151, P. H. Act, 1875 (p. 45).

Sec. 21. payment of the Loans (*sec.* 18), or, if there is no outstanding Loan, then in such manner as the L. G. B. may direct.

22. Exemption of Railways and Canals abutting but not communicating with Streets. (*This Section shall not apply to any Street existing at the date of the Adoption of this Act.*)

No Railway or Canal Company shall be liable in respect of any Land wholly or partially fronting or abutting upon a Private Street, which at the time of the laying out of such Street is used by such Company solely as a part of their Line of Railway, Canal, or Siding, Station, Towing-path, or Works, and has no direct communication with such Street, and the Expenses incurred by such A. in respect to such Frontage shall be repaid them by the Owners of the Premises included in the Apportionment, in such proportion as shall be settled by the Surveyor.

Subsequent communication to incur liability. Provided that in the event of such Company subsequently making a communication with such Street they shall then pay to the U. A. the aforesaid Expenses, which A. shall divide the same (less the costs and expenses attendant upon such division) among the Owners for the time being included in the Apportionment, in such proportion as shall be settled by the Surveyor, whose decision shall be final and conclusive.

23. Expenses of Local Authority.

All Expenses incurred or payable by an U. A. and a R. A. respectively, in the execution of this Act, and not otherwise provided for, may be charged and defrayed as Expenses incurred in the execution of the P. H. Acts.

P. H. Act, 1875; Expenses of U. A., *sec.* 207, p. 62; of R. A., *sec.* 229, p. 65.

24. Powers of Act cumulative.

25. Where this Act is adopted, *secs.* 150, 151, 152, P. H. Act, 1875 (p. 44), and *sec.* 41, P. H. A. Amendment Act, 1890, (p. 116), shall not apply.

26. For Protection of Conservators of the River Thames.

THE RIVERS POLLUTION PREVENTION ACT, 1876.

(39 & 40 VICT., CAP. 75.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Short Title.

PART I.

LAW AS TO PUTTING SOLID MATTER INTO STREAMS (Sec. 2).

PART II.

LAW AS TO POLLUTION OF STREAMS BY SEWAGE (Sec. 3).

PART III.

LAW AS TO MANUFACTURING AND MINING POLLUTIONS
(Secs. 4-6).

PART IV.

ADMINISTRATION OF LAW (Secs. 7-20).

7. Sanitary A. to afford facilities for Drainage of Factories into Sewers.
8. Power of S. A. to enforce Act.
9. Power of Lee Conservancy Board to enforce Act.

LEGAL PROCEEDINGS (Secs. 10-15).

10. Offences to be restrained by Summary Order of County Court.
11. Appeal to County Court and removal of case into High Court of Justice.
12. Certificate of L. G. B. Inspector as to "best practicable means."
13. Restrictions on proceedings for Offences.
14. Orders as to Costs of Inquiries.
15. Power of L. G. B. Inspectors.

130 THE RIVERS POLLUTION PREVENTION ACT, 1876.

SAVING CLAUSES, ETC. (Secs. 16-20).

SECTION

- 16. Powers of Act Cumulative.
- 17. Saving of Rights of impounding and Diverting Water.
- 18. Do. certain Conservancy Acts.
- 19. Do. Works of certain L. Authorities.
- 20. Definitions.

PART V.

SCOTLAND (Sec. 21).

PART VI.

IRELAND (Sec. 22).

THE RIVERS POLLUTION PREVENTION ACT, 1876.

(39 & 40 VICT., CAP. 75.)

NOTE.—Applicable to Sanitary Authorities as defined by sec. 20, p. 139.
May be enforced by County Council under Local Gov. Act, 1894, sec. 14,
p. 375.

PART I.

LAW AS TO SOLID MATTERS.

(See also the P. H. Act Amendt. Act, 1890, sec. 47, as to Penalty for throwing
Cinders, Filth, etc., into Streams, p. 118.)

*2. Prohibition as to putting Solid Matter into Streams.

Every person responsible for the entry into any Stream of any Solid Refuse of any Manufacturing Process or Quarry, or Rubbish, Cinders, Waste, or Putrid Solid Matter so as (either singly or in combination with other similar acts of the same or any other person) to interfere with the due flow of, or to pollute (*def.*) such Streams, shall be deemed to have committed an Offence (*sec.* 10–13).

In proving interference with the due flow, or the pollution of any Stream, evidence may be given of repeated acts which together may cause such interference or pollution, although each act in itself may not be sufficient for that purpose. Evidence
of repeated
Acts.

As to Streams passing through or by District, sec. 8. Restrictions on proceedings, sec. 13. Legal proceedings, secs. 10–15. Saving of Water, Conservancy, etc., Rights, secs. 17–19; also—

P. H. Act, 1875, p. 7: Sewage to be purified before being discharged into Streams, sec. 17. Cleansing Offensive Ditches, sec. 48. Pollution of Streams and Wells, secs. 68–70. Nuisances, sec. 91 (2).

* Under sec. 11, of 54 Geo. III., c. 159, an Act to protect Navigable Rivers, a penalty of £10 is incurred by any person working any Quarry, Mine, or Pit near to the sea, or near to any harbour, haven, or navigable river, or by any other person whatsoever, for casting, throwing, emptying, or unloading (either from or out of any ship, vessel, lighter, barge, or other craft, or from the shore) any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, so as to tend to the injury or obstruction of navigation—or for placing such material in any place on shore, where the same may be washed into the sea, or into such harbour, etc., either by ordinary or high tides, storms, or land floods.

PART II.

LAW AS TO SEWAGE POLLUTIONS.

3. Pollution as to Drainage from Sewers into Streams. (*For Explanation of this Section, see the Rivers Poll. Prev. Act, 1893, p. 140.*)

Every person (*def.*) responsible for the entry of any Solid (*def.*) or Liquid Sewage Matter into any Stream (*def.*) shall be deemed to have committed an Offence (*secs. 10-13*), except as follows, viz. :—

Exemp-
tions from
Offences.

- (a) Where the entry of such Sewage Matter is by means of a Channel constructed, or in process of construction for that purpose, at the passing of this Act, provided that the Court is satisfied that “the best practical and available means are being adopted to render harmless such Sewage Matter.”
- (b) The L. G. B. may by Order declare this Section to be inoperative for a specified period, where satisfied that further time should be granted to any S. A., to enable them to adopt “the best available and practical means for rendering harmless such Sewage Matter.” Such Order may be renewed by the L. G. B. from time to time, subject to any conditions they may think fit (*also see sec. 12*).
- (c) Any person (other than a S. A.) who, by consent of the S. A., drains into any Sewer vested in them, and discharging into any Stream.

As to Streams passing through or by District, see. 8. Legal proceedings, *secs. 10-15*. Inspector's Certificate as to best available means, *sec. 12*. Restriction on proceedings, *sec. 13*. Saving of Water, Conservancy Rights and Works of L. A., *secs. 17-19*; also—

P. H. Act, 1875, p. 7: Powers vested in L. A., *sec. 16*. Sewage to be purified before being discharged into Streams, *sec. 17*. Disposal of Sewage, *secs. 27-31*. Cleansing Offensive Ditches, *sec. 48*. Pollution of Streams and Wells, *secs. 68-70*. Nuisances, *sec. 91*. L. G. B. Inquiries, *sec. 293*.

P. H. Act Amendt. Act, 1890: Penalty for throwing Cinders, Filth, etc., into Streams, *sec. 47, p. 118*.

PART III.

LAW AS TO MANUFACTURING AND MINING
DISTRICTS (Secs. 4-6.4. Prohibition as to Drainage from Manufactories into
Streams.

Every Person responsible for the entry into a Stream (*def.*) of any poisonous, noxious, or polluting (*def.*) liquid proceeding from any Factory or Manufacturing Process, shall be deemed to have committed an Offence (*sec.* 10-13), except as follows:—

Where the entry of such liquid is by means of a Channel used, constructed or being constructed for that purpose at the passing of this Act, or by any new Channel substituted therefore with its outfall at the same spot; provided that the Court is satisfied that the “best practical and reasonably available means” are being adopted to render harmless such poisonous liquid.

Exemption
from
Offence.

L. A. to afford facilities for Drainage of Factories into Sewers, *sec.* 7. As to Streams passing through or by District, *sec.* 8. Legal proceedings, *secs.* 10-13. Inspector's Certificate as to “best available means,” *sec.* 12. Restriction on proceedings, *secs.* 6, 13. Saving of Water, Conservancy, etc., Rights, *secs.* 17-19; also—

P. H. Act, 1875, p. 7: Sewage to be purified before being discharged into Streams, *sec.* 17. Cleansing Offensive Ditches, *sec.* 48. Pollution of Streams and Wells, *secs.* 68-70. Nuisances, *sec.* 91.

5. Prohibition as to Drainage from Mines into Streams.

Every person responsible for the entry into any Stream (*def.*)—

(a) Of any solid (*def.*) Mining Matter in such quantities as to prejudicially affect its due flow; or

(b) Any poisonous, noxious, or polluting (*def.*) solid or liquid Mining Matter other than Water in the same

Sec. 5. condition in which it was drained or raised from such Mine;

Exemption from Offence. shall be deemed to have committed an Offence (*secs.* 10–13) unless, in the latter event, the Court is satisfied that the “best practical and reasonably available means are being taken to render harmless such poisonous or polluting matter.”

See References to previous Section.

6. Restrictions on Proceedings under this Part of Act (III.).

Proceedings to be taken by S. A. only. (1) Proceedings under *Part III.* of this Act shall be taken only by a S. A. with the consent of the L. G. B. (whose consent or otherwise shall be determined by the Industrial Interests involved in the case and the circumstances and requirements of the locality); provided that if the S. A. refuse to take proceedings on the application of any person interested, alleging the commission of an Offence, such person may apply to the L. G. B., who may direct such S. A. to take proceedings.

L. G. B. may direct S. A. to take proceedings. (2) The L. G. B. shall not consent to proceedings in a Manufacturing District, unless satisfied, after due inquiry, that means for rendering harmless the poisonous and polluting liquids proceeding from the manufacturing processes, are reasonably practicable and available, and that such Industries will not suffer material injury by such proceedings.

Persons objecting to proceedings to be heard. (3) Any person who objects to the proceedings proposed to be taken against him by a S. A. under *Part III.*, may claim to be heard (either personally, by his agents or witnesses) before such S. A. against such proceedings so far as they relate to his Works or Manufacturing Processes, and the S. A. in determining whether or not such proceedings shall be taken, shall have regard to the same considerations as govern the L. G. B. under this section (*subsec.* 1, 2).

One S. A. only to take proceedings. Where one A. has taken proceedings against a person, no other A. shall do so, till he shall have failed within a reasonable time to carry out the Order of the Court.

Restriction on Rec. of Penalty, *sec.* 13; also—

P. H. Act, 1875: L. G. B. Inquiries, *sec.* 293, p. 81.

Local Gov. Act, 1888, Power of C. C. to enforce Act, *sec.* 14, p. 375.

PART IV.

ADMINISTRATION OF LAW (Secs. 1-20,

7. S. A. to afford Facilities for Drainage of Factories into Sewers.

Every S. A. (or other Local A.) having Sewers under their control shall give facilities for enabling Manufacturers within their District to carry the liquids proceeding from their Factories or Manufacturing Processes into such Sewers,

Provided that no such liquid shall be admitted into the Sewers if it would—

L. A. may withhold facilities.

(a) Prejudicially affect the same, or the disposal of the Sewage therein; or

(b) From its Temperature or otherwise, be injurious from a Sanitary point of view;

(c) Interfere with the Order of any competent Court respecting the Sewage;

or if the Sewers are only sufficient for the requirements of the District;

Restriction on Proceedings, sec. 13; also—

P. H. A., 1875, p. 7: Sewers vested in L. A., sec. 13. Making and maintenance of Sewers, sec. 15. Alteration and discontinuance of Sewers, sec. 18. Use of Sewers by persons within or without District, secs. 21, 22. Disposal of Sewage, sec. 27.

P. H. A. Amendt. Act, p. 97: Injurious Matter not to pass into Sewers, sec. 16. Chemical, Steam, etc., not to be turned into Sewers, sec. 17.

8. Power of S. A. to enforce Act.

Every S. A. shall have power to enforce the provisions of this Act (*secs. 6, 13*) in relation to any Stream (*def.*) within, passing through, or by, their District, against any other S. A. or person, whether the Offence is committed within or without the District of the first-named A., and any Expense so incurred shall be payable as if properly incurred under

Offences committed within or without District.

Sec. 8. the P. H. Act, 1875 (*Expenses of U. A., sec. 207 ; of R. A., sec. 229*).

Proceed-
ings by
aggrieved
persons. Proceedings may also be initiated (*secs. 6 and 13*) in respect to any Offence by any person aggrieved by its commission.

Saving of Works of L. A., sec. 19; also—
P. H. Act, 1875, p. 7: Sewage to be purified before passing into Streams,
sec. 17. Offensive Ditches, sec. 48.
Local Gov. Act, 1888; Power to C. C. to enforce Act, sec. 14, p. 375.

9. Power of Lee Conservancy Board to enforce Act.

The Lee Conservancy Board:—

- a) Shall be the exclusive Authority for enforcing this Act within the area of its jurisdiction;
- (b) May enforce the Provisions of the Lee Conservancy Act, 1868, under the head of "Protection of Water."

Saving of certain Conservancy Acts, sec. 18.
P. H. Act, 1875. Saving for Water Rights generally, sec. 332 (p. 90).

(1) LEGAL PROCEEDINGS—(2) SAVING CLAUSES— (3) DEFINITIONS.

(1) LEGAL PROCEEDINGS.

10. Offences to be restrained by Summary Order of County Court.

Report by
Experts. The commission of Offences may be restrained, or the performance of duties enforced or otherwise dealt with by Summary Order of the County Court . . . who previous to granting such Order, may remit to Experts to report on "the best practicable and available means," and the nature and cost of the Works and Apparatus; such Experts to take into consideration the reasonableness of the expense involved therein.

Penalty for
non-com-
pliance
with Order. Any person failing to comply with such Order shall pay to the Complainant, or as directed by the Court, a sum not exceeding £50 *daily* during default. Moreover, if such default continues for a period of not less than one month (or such lesser period, as may be specified in the Order), the Court may, in addition, appoint a person to execute

such Order, whose expenses (as allowed by the County Sec. 10. Court), may be recovered by him in that Court.

11. Power of aggrieved person to Appeal from County Court.

12. Certificate of L. G. B. Inspector as to best practicable means. (*Also see sec. 3, sub-sec. b*).

A Certificate granted by a L. G. B. Inspector to the effect that the "best or only practicable and available means" under the circumstances of the particular case are being used for rendering harmless any Sewage or poisonous, noxious or polluting solid or liquid matter entering any Stream, (*secs. 3-5*) shall in all proceedings be conclusive evidence of the fact.

Such Certificate shall continue in force for a period specified therein, not exceeding 2 years, and may be renewed for a like or less period.

The expense of obtaining such Certificate to be paid by the Applicant.

Any person aggrieved by the granting or withholding of Certificate may appeal to the L. G. B. against the Inspector's decision.

Rec. of Expenses and Costs of Appeal to L. G. B., sec. 14. Power of L. G. B. Inspection, sec. 15.

13. Restriction on Proceedings for Offences.

No Proceedings for Offences shall be taken—

- (a) Within 2 months from written Notice to the Offender of intent to proceed ;
- (b) Whilst other proceedings in relation to any such Offence are proceeding.

14. Orders as to Costs of L. G. B. Inquiries. (*See P. H. Act, 1875, sec. 294, p. 81*).

15. Power of L. G. B. Inspectors.

L. G. B. Inspectors shall have similar powers for inquiries as they have under the P. H. Act, 1875. (*Sec. 96, p. 81*).

(2) SAVING CLAUSES.

16. Powers of Act Cumulative.

The powers of this Act shall not prejudice or affect the exercise of any other rights or powers conferred by Parliament, Law, or Custom.

Nothing in this Act shall legalize any act or default which, but for this Act, would be deemed a Nuisance or contrary to Law.

Certificate. Nevertheless in any proceedings for enforcing any such rights or powers, the Court shall take into consideration any Certificate granted under this Act. (*Sec. 12*).

17. Saving Rights of Impounding and Diverting Water.

This Act shall not apply to or affect the lawful exercise of any rights of impounding or Diverting Water.

18. Saving of certain Conservancy Acts, etc., viz. :—

- | | |
|--|---------------------------|
| (1) Thames Conservancy Acts, 1857–1864, | } And Amend- ments. |
| (2) Thames Navigation Act, 1866, | |
| (3) Lee Conservancy Act, 1868, | |
| (4) Any Outfall or Works of the Metropolitan Board of Works* executed under the Metropolis Management Act, 1855, and amendments. | |
| (5) Any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.* | |

19. Saving of Works of certain Local Authorities.

Sea or Tidal Waters. When any Local, or any Urban or Rural A. are empowered or required by Parliament to carry Sewage into the Sea or Tidal Waters, nothing done in pursuance of such enactment shall be deemed to be an Offence against this Act.

* London County Council.

(3) DEFINITIONS.

20. Definitions.

| Expression. | Definition. |
|--------------------|---|
| Person . . . | Includes any body of persons, corporate or unincorporate. |
| Stream . . . | Includes the Sea and Tidal Waters to such extent or point, as may, after Local Inquiry, on Sanitary grounds be determined by the L. G. B. by Order published in the <i>London Gazette</i> . Save as aforesaid it includes Rivers, Streams, Canals, Lakes, and Watercourses (other than Watercourses mainly used at the passing of this Act as Sewers, and emptying directly into the Sea or Tidal Waters not determined by such aforesaid Order to be Streams). |
| Solid matter . . | Shall not include particles of matter in suspension in water. |
| Polluting . . . | Shall not include innocuous discoloration. |
| Sanitary Authority | In the Metropolis (as defined by the Metropolis Management Act, 1855) any Local Authority acting in the execution of the Nuisances Removal Act for England, 1855, and amendments thereto. Elsewhere in England, any Urban or Rural Sanitary Authority acting in the execution of the P. H. Act, 1875. (Power to C. C. to enforce Act, see Local Gov. Act, 1888, sec. 14, p. 375.) |

PART V.

SCOTLAND (Sec. 21).

PART VI.

IRELAND (Sec. 22).

THE RIVERS POLLUTION PREVENTION ACT, 1893.

(56 & 57 VICT., CAP. 31.)

An Act to explain the Rivers Pollution Prevention Act, 1876.

(1) Explanation of Sec. 3, Rivers Pollution Prevention Act, 1876, as to Drainage into Streams (p. 132).

Sewage
matter.

Where any Sewage Matter falls, flows, or is carried into any Stream after passing through or along a Channel *which is vested in a Sanitary Authority*, such A. shall, for the purposes of Sec. 3, Rivers Pollution Prevention Act, 1876, be deemed to knowingly permit the Sewage Matter so to fall, flow, or be carried.

See References to Sec. 3, Rivers Poll. Prev. Act, 1876 (p. 132).

PUBLIC HEALTH ACT, 1875 (SUPPORT OF SEWERS), AMENDMENT ACT, 1883.

(46 & 47 VICT., CAP. 37.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Short Title.
2. Definitions.
3. Application of Provisions of "*Waterworks Clauses Act, 1847*" (secs. xviii.—xxvii.), with respect to Works over Mines, as follows:—
 - XVIII. L. A. not entitled to Mines unless expressly purchased.
 - XIX. Plan of Underground Works of L. A. to be made.
 - XX. Copies of Plan to be deposited with Clerk of Peace, etc.
 - XXI. Clerks of Peace, etc., to allow interested persons to inspect Copies.
 - XXII. Power of L. A. as to Mines lying near any Sanitary Work.
 - XXIII. If L. A. fail to act on Notice, Owner, Occupier, or Lessee may work Mines, making good damage.
 - XXIV. Mining Communications.
 - XXV. L. A. to compensate for losses due to Severance, etc.
 - XXVI. Power of L. A. to enter and inspect Workings.
 - XXVII. Nothing to prevent liability of L. A. to actions for injury to Mines.
4. Limitation of right to support for Sanitary Works over Mines.
5. Savings.

PUBLIC HEALTH ACT, 1875 (SUPPORT OF SEWERS), AMENDMENT ACT, 1883.

(46 & 47 VICT., CAP. 37.)

NOTE.—Applicable to Local Authorities.

An Act to amend the Public Health Act, 1875, and to make provisions with respect to the support of Sewers and Sewage Works * in Mining Districts.

2. Definitions.

| Expression. | Definition. |
|---------------|--|
| Sanitary Work | Any existing or future Building or Work constructed by or vested in or under the control of a L. A. under the powers of such provisions of the P. H. Act, 1875, or any general or Local Act or Prov. Order as relates to the construction or maintenance of any works of Sewerage, Drainage, Sewage disposal, Lighting or Water Supply, and includes any fixtures, pipes, fittings, or apparatus connected with such Works, and belonging to or used by, the L. A. |
| Support | * Includes vertical and lateral support. |
| Sanitary Act | * The Act or Provisional Order (whether passed before or after the passing of this Act) under the authority of which a Sanitary Work has been or is constructed, and is maintained. |
| Person | Includes a body Corporate. |

3. Application of Provisions of "Waterworks Clauses Act, 1847," with respect to Works over Mines.

* And other Works, as defined by sec. 2.

The provisions of the "*Waterworks Clauses Act, 1847*" Sec. 3. (secs. 18 to 27 inclusive), with respect to Mines shall, in relation to any "Sanitary Work" (*def. sec. 2*), be incorporated with this Act and with the "Sanitary Act" (*def. sec. 2*), authorizing the construction and maintenance of such "Sanitary Work," as follows, viz. :—

INCORPORATED SECTIONS OF THE
WATERWORKS CLAUSES ACT, 1847,
AS MODIFIED BY THIS ACT.
MINES.

xviii. L. A. not entitled to Mines unless expressly purchased.
The L. A. shall not, unless *expressly* purchased, be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such parts as shall be necessary to be dug, carried away, or used in the construction of any "Sanitary Work" (*def. sec. 2*).

xix. Plan of Underground Works of L. A. to be made.
The L. A. shall—

- (a) Within 6 months after carrying out any "Sanitary Work" (*def. sec. 2*), prepare a Map * (scale not less than 1 ft. to a mile) of the District showing all existing "Sanitary Works" thereon; and
- (b) Within 6 months of any alteration or addition, correct such Map so that the line and situation of all "Sanitary Work" (*def. sec. 2*) carried out after the passing of the "Sanitary Act" (*def. sec. 2*) shall be shown thereon; and
- (c) Keep in their Office such Plan or a Copy thereof (with the date thereon of the last correction) open to the inspection of interested Persons.

* The Map of existing "Sanitary Works" to be made within 12 months of the passing of this Act (*viz.*: August, 1884).

xx. Copies of such Map as made, and from time to time as corrected, to be deposited within 3 months with the Clerk of the Peace, and the Clerks of the several Parishes in which such Underground Works are situate.

xxi. Clerks of the Peace, etc., to keep such Copies, and allow all interested Persons to inspect the same.

xxii. **Power of L. A. as to Mines near "Sanitary Work."**

Notice to
A .

Except where otherwise provided for by Agreement, Written Notice of intention to work any Mines or Minerals lying under or near* any "Sanitary Work" (*def. sec. 2*) shown on the Map (*sec. xix.*), shall be given to the L. A., 30 days before commencing work, on receipt of which Notice the L. A. may inspect the Mines, and if of opinion that their Works will be damaged thereby, and if willing to compensate, may either specify the nature and extent of Support they require left, or may stop the working of that part of the Mines.

L. A. to
specify
Support
required.

L. A. to
compen-
sate.

Any difference as to the amount of compensation to be settled by Arbitration under the Lands Clauses Consolidation Act (*Compensation, sec. xxv.*).

xxiii. If L. A. fail to act on Notice, Owner, Occupier, or Lessee may work Mines, making good damage.

If the L. A. do not state their willingness to treat within the 30 days, the Mines may be worked and drained by engines or otherwise, but no wilful damage shall be done to such "Sanitary Work" (*def. sec. 2*) or the Mines be worked in an unusual manner. If the L. A.'s Works are damaged or obstructed by the Mines being worked in an unusual manner, the same shall be forthwith repaired or removed, by and at the expense of, such Owner, Occupier, or Lessee. If such repair, etc., is not done forthwith, or if the L. A. think fit not to wait, they may execute the work and recover the expense in the Superior Courts.

* The distance prescribed in the Waterworks Clauses Act, 1847, is 40 yards, which distance is, however, indefinitely extended by this Section (xxii.).

xxiv. Mining Communications.

Where the L. A. prevent the working of any Mines under or near any "Sanitary Work" (*sec. xxii.*), as many Airways, Headways, Gateways, or Water Levels may be cut as may be requisite for ventilating, draining, and working the Mines or Minerals on either side thereof, the size of such Airways, etc., not to exceed 8 ft. by 8 ft., and not to be cut so as to injure the L. A.'s Works.

Owners
may ven-
tilate, etc.,
Mines.

xxv. L. A. to compensate for losses due to Severance, etc.

Except where otherwise provided for by Agreement, the L. A. shall pay such Additional Expenses and Losses as shall be incurred by reason of—

- (a) The Severance of the Lands over such Mines and Minerals ;
- (b) The interruption of the continuous working ;
- (c) Working under the restriction, contained in this or the "Sanitary Act" (*def. sec. 2*) ;
- (d) Any Mines or Minerals not purchased by the L. A., and not being obtainable through the making and maintaining the said Works, or through apprehended injury from the working thereof.

Any difference as to the amount of compensation to be settled by Arbitration under the "Lands Clauses Consolidation Acts," which compensation, together with costs, shall be defrayed in like manner (and subject to the same powers and provisions as to Borrowing and otherwise) as the expenses of the construction or maintenance of the "Sanitary Work" by the "Sanitary Act" (*def. sec. 2*).

xxvi. Power of L. A. to enter and inspect Workings.

The L. A. may, on giving 24 hours' Notice enter and inspect the working of any Mines, use any of the Mining Apparatus or Machinery, and use all necessary means for discovering the distance of the "Sanitary Work" (*def. sec. 2*) from any part of the Mines worked or about to be worked.

xxvii. Nothing in this, or "Sanitary Act," to prevent liability of L. A. to Actions for Injury to Mines by reason of "Sanitary Work."

Appli-
cation of
above
Provisions. The above Provisions shall apply to every "Sanitary Work" (*def. sec. 2*) whether situated in, on, over or under Land which is or is not vested in or occupied by the L. A., and is or is not wholly or partially dedicated to the public as a Street, Highway, or public place.

4. Except as provided by this Act, the "Sanitary Act" shall not confer rights of Support, or compel L. A. to compensate therefore; nor subject Owner of Mine to liability in respect of "Sanitary Work" (*def. sec. 2*).

5. Saving for rights of Support, etc., acquired prior to passing of this Act.

THE QUARRY (FENCING) ACT, 1887.

(50 & 51 VICT., CAP. 19.)

NOTE.—Applicable to Local Authorities.

FENCING OF QUARRIES.

* * * * *

3. Fencing of Quarries.

Where any Quarry,* dangerous to the public, is in unenclosed land, within 50 yards from a Highway or place of public resort dedicated to the public, and is not separated therefrom by a secure and sufficient Fence, it shall be kept reasonably fenced for the prevention of accidents, and unless so kept shall be deemed to be a Nuisance liable to be dealt with summarily in manner provided by the Public Health Act, 1875 (secs. 94–96, p. 34).†

* Definition of Quarry, sec. 4.

† Where a Nuisance has been determined to exist under sec. 3 of the above Act, proceedings may be taken under the P. H. Act, 1875 (secs. 94–96, p. 34), as follows:—

Sec. 94. *The L. A. to serve Notice on Owner or Oeeupier of Quarry to abate the Nuisanee within a specified time, and to execute such Works and things as may be neecessary; provided that—*

- (1) *Where such N. arises from the want or defective construction of any Structural Convenience, or where there is no Oeeupier, such Notice shall be served on the Owner.*
- (2) *Where the person causing the N. cannot be found, and such N. does not arise or continue by the Owners' or Oeeupiers' default or sufferanee, the L. A. may themselves abate the same without further Order.*

Sec. 95. *If such person fails to comply with the Notice, or if the N., though abated, is, in the opinion of the L. A., likely to recur, they shall make complaint to a Justice, who shall summons him to appear before a Court of S. J.*

Sec. 96. *Empowers the Court to make an Order dealing with the N., and to inflict a penalty of £5 on the person on whom the Order is made.*

- Sec. 3. Towns Impt. Clauses Act, 1847: Dangerous Holes, etc., to be enclosed, sec. 83, p. 158.
 P. H. Act Amendt. Act, 1890: Hoards to be set up during Repairs, sec. 34, p. 113.
 Highway Act, 1835. Gravel Pits, etc., to be Fenced, sec. 55, p. 444.

4. Interpretation.

The term "Quarry" includes—

"Every pit or opening made for the purpose of getting
"stones, slates, lime, chalk, clay, gravel, or sand,
"but not any natural opening."

TOWNS IMPROVEMENT CLAUSES ACT, 1847.

(10 & 11 VICT., CAP. 34.)

ARRANGEMENT OF SECTIONS.

SECTION

Definitions.

NAMING OF STREETS AND NUMBERING OF HOUSES (Sees. 64, 65).

- 64. Houses to be numbered and Streets named.
- 65. Numbers of Houses to be renewed by Occupiers.

IMPROVING THE LINE OF STREETS AND REMOVING OBSTRUCTIONS (Secs. 66-74).

- 66. Houses may be set forward for improving line of Streets.
- 67. U. A. may purchase Houses or Grounds for effecting additional Improvements.
- 68. Houses projecting beyond line of Street when taken down to be set back.
- 69. Future Projections of Houses, etc., to be removed on Notice.
- 70. Existing " " to be removed or altered on Compensation.
- 71. Future Doors to open inwards.
- 72. Existing Doors opening outwards may be altered by U. A.
- 73. Coverings for Cellar-doors to be made by Occupier.
- 74. Waterspouts to be affixed to Buildings.

RUINOUS OR DANGEROUS BUILDINGS (Secs. 75-78).

- 75. Ruinous or Dangerous Buildings to be taken down or secured by Owners, etc.
- 76. Mode of Recovery of Expenses where Owner can be found within District.
- 77. " " cannot be found within District.
- 78. U. A. may sell the Materials, restoring to Owner surplus of Sale.

PRECAUTIONS DURING THE CONSTRUCTION AND REPAIR OF SEWERS,
STREETS, AND HOUSES (SECS. 79-83).

SECTION

- 79. Bars to be erected across Streets during Repairs or Alterations, and Lights placed at Night.
- 80. Hoards to be set up during Repairs.
- 81. Penalty for not Enclosing and Lighting Deposits of Building Materials or Excavations.
- 82. Penalty for continuing Deposits an unreasonable time.
- 83. Dangerous places to be Repaired or Enclosed.

*

*

*

*

*

*

NOTE.—The provisions of the Towns Impt. Clauses Act, 1847, as to Slaughter Houses, incorporated under sec. 169, P. H. Act, 1875, are not given herein.

TOWNS IMPROVEMENT CLAUSES ACT, 1847

(10 & 11 VICT., CAP. 34),

SECTIONS INCORPORATED WITH THE
PUBLIC HEALTH ACT, 1875
(Sec. 160).

NOTE.—Applicable only in Urban Districts.

INCORPORATED PROVISIONS.*

With respect to:—

| | SECTIONS |
|--|----------|
| (1) Naming Streets and Numbering Houses | 64, 65 |
| (2) Improving the line of Streets and removing Obstructions | 66-74 |
| (3) Ruinous and Dangerous Buildings | 75-78 |
| (4) Precautions during the construction and repair of Sewers, Streets, and Houses | 79-83 |

3. Definitions.

| Expressions. | Definitions. |
|--------------|---|
| * * | * * * * * |
| Person . . . | Includes a Corporation whether aggregate or sole. |
| Lands . . . | „ Messuages, Lands, Tenements, and Hereditaments of any tenure. |
| Street . . . | Includes any Road, Square, Court, Alley, or Thoroughfare. |
| * * | * * * * * |
| Owner . . . | The person for the time being entitled to receive the Rack- rent of any Lands or Buildings from the Occupier thereof. |
| * * | * * * * * |

* * * * * *

* As to Construction of Incorporated Acts, Recovery of Penalties, etc.,
see P. H. Act, 1875, sec. 316 (p. 86).

NAMING OF STREETS AND NUMBERING OF HOUSES IN URBAN DISTRICTS (Secs. 64-65).

64. Houses to be numbered and Streets named.

Every U. A. shall from time to time—

(a) Cause all Buildings in the Streets (*def.*) to be numbered.

(b) Put up or paint the Name of the Street on some Building or place, at or near each end, corner, or entrance thereof.

Penalty 40s. for pulling down, defacing, or altering such Numbers or Names.

P. H. Act, 1875, Recovery of Penalties, sec. 251. Notice, secs. 266, 267.

65. Numbers of Houses to be renewed by Occupiers.

The Occupier of any Building in any Street (*def.*) shall number such Building as required by the U. A., and shall renew such numbers as often as obliterated or defaced.

Penalty 40s. for failing so to do within one week after Notice, in addition to which such U. A. may themselves number or renumber such Buildings, and recover the expenses from the Occupier as Damages.

P. H. Act, 1875, Recovery of Penalties, sec. 251, p. 72. Notice, secs. 266, 267.

IMPROVING THE LINE OF STREETS AND REMOVING OBSTRUCTIONS IN URBAN DISTRICTS (Secs. 66-74).

(See also P. H. Act, 1875, as to Power to purchase Premises for Improvement of Streets, sec. 154, p. 46. Power to regulate Line of Buildings, sec. 155, p. 47. Buildings not to be brought forward, sec. 156, p. 47.—Highway Act, 1835. Encroachments on Highways, sec. 69, p. 447, and references and notes thereto.)

66. Houses may be set forward for improving Line of Streets.

In order to improve the line of any Street (*def.*), the U. A. may upon such terms as they think fit, allow any Building therein to be set forward.

67. U. A. may purchase Houses or Grounds for effecting Additional Improvements.

The U. A. may purchase Lands for widening, enlarging,

or otherwise improving any Streets, but *shall* resell any parts not actually required for the Improvement. Sec. 67.

68. Houses projecting beyond Line of Street when taken down to be set back.

When any Building, any part of which projects—

(a) Beyond the regular line of the Street;

(b) Beyond the front of any Building on either side thereof;

has been taken down in order to be rebuilt or altered, the U. A. may (on compensating therefore) require the same to be set back to, or towards the Line of Street, or of the Line of the adjoining Buildings. Compensation.

69. Future Projections of Houses, etc., to be removed on Notice.

The U. A. may give Notice to the Occupier* of any Building to remove or alter any—

“Porch, Shed, Projecting Window, Step, Cellar, Cellar-door or Window, Signs, Sign-post, Sign-iron, Show-board, Window, Shutter, Wall, Gate, Fence, or any other obstruction or projection,”

erected or placed after the passing of the P. H. Act, 1875, against, or in front of any Building, and which is an obstruction to the safe and convenient passage along any street (*def.*).

Penalty 40s. for non-compliance with such Notice within 4 days from its service; and in such case the U. A. may themselves remove or alter such Obstruction, and recover the cost from the Occupier as Damages.

Provided that where such Obstructions or Projections were not made or erected by the Occupier, he may deduct the cost of removing the same from the rent.

Existing projections, sec. 70. Doors opening outwards, secs. 71, 72.
P. H. Act, 1875, Notices, secs. 266, 267, p. 74.
Towns Police Clauses Act, 1847: As to projecting Blinds, sec. 28, p. 161.

70. Existing Projections of Houses to be removed or altered and Compensation.

* Under sec. 160, P. H. Act, 1875, this Notice may be served on the Owner, on both Owner and Occupier.

Sec. 70.

If any such Obstructions or Projections (*sec. 69*) were erected prior to the passing of the P. H. Act, 1875, the U. A. may (after 30 days' Notice to the Occupier* of the House against or in front of which such projection, etc., is) remove or alter the same *on making reasonable compensation therefore*.

Future Projections, *sec. 69*. P. H. Act, 1875: Notices, *secs. 266, 267*.

Highway Act, 1835. Encroachments on Highways, *sec. 69*, p. 447, and references and notes thereto.

71. Future Doors to be made to open inwards.

Except by special consent of the U. A. in the case of Public Buildings, no Doors, Gates, and Bars erected after the passing of the P. H. Act, 1875, shall be so hung as to open outwards upon any Street (*def.*).

L. A. may
alter doors,
etc.

Should the Occupier* of any Building or Land (*def.*) fail to alter any such Door, Gate or Bar opening outwards therefrom within 8 days from Notice, such U. A. may themselves make such alteration and recover the cost from the Occupier as Damages, and such Occupier shall in addition be liable to a *Penalty of 40s.*

P. H. Act, 1875: Rec. of Penalties and Expenses, *secs. 251, 257*. Notices, *secs. 266, 267*, p. 74.

72. Existing Doors opening outwards may be altered by U. A.

If any Door, Gate or Bar was hung prior to the passing of the P. H. Act, 1875, so as to open outwards, the U. A. may alter the same so that no part when open shall project over the public way.

73. Doors or Coverings for Cellars to be made by Occupier.

Penalty £5 on the Occupier* of any Vault or Cellar who fails to cover any entrance opening thereto situate upon the pavement or footpath with a door constructed of Iron or other material, and in such manner as the U. A. directs, and to maintain the same in good repair.

P. H. Act, 1875: Rec. of Penalty, *sec. 251*, p. 72. Notices, *secs. 266, 267*.

P. H. Acts Amendt. Act, 1890: Repairs to Cellars under Streets, *sec. 35*, p. 113.

Towns Police Clauses Act, 1847: Defective Cellar, etc., openings, *sec. 28*, p. 162.

* Under *sec. 160*, P. H. Act, 1875, the Notice may be served on, or penalty recovered from, the Owner.

74. Waterspouts to be affixed to Buildings.

The Occupier* of any Building in, adjoining or near any Street (*def.*) shall, for the purpose of carrying off the rain water from the Roof, Portico, or projection of such Building so as not to flow over the Footpath or to fall on any person passing therealong, fix (and maintain) along the whole length of such Building, a Gutter discharging either into a similar Gutter on the adjoining Building, or into a Pipe fixed on to the front or side of such Building from the roof to the ground (*see Model Byelaws as to New Buildings, p. 534*).

Penalty 40s. for non-compliance within 7 days from service of Notice by the U. A.

P. H. Act, 1875: Rec. of Penalties, sec. 251, p. 72. Notices, secs. 266, 267.

RUINOUS OR DANGEROUS BUILDINGS IN URBAN DISTRICTS (Secs. 75-78).

75. Ruinous or Dangerous Buildings to be taken down or repaired by Owners, etc.

If any Building or Wall or anything affixed thereon be deemed by the Surveyor of the U. A. to be *in a ruinous* ^{erect} *or dangerous to passengers or to the Occupiers of* ^{Hoards, etc.} *neighbouring Buildings*, he shall immediately cause a proper Guard or Fence to be erected to protect passengers.

Such Surveyor shall also give written Notice to—

- a) The Owner (if he be known and resident within the District); also to
- b) The Occupier, if any, either by affixing such Notice to the Door or other conspicuous part of such premises, or otherwise;

requiring such Owner or Occupier forthwith *to take down, or repair such Building, Wall, etc.*, as the case shall require.

Should such Owner (*def.*) or Occupier fail to begin ^{Failure to} *within 3 days from the service or posting of the said Notice,* ^{comply with} *comply therewith, or to complete such repairs, etc.,* ^{Notice.} *in due speed, the said Surveyor may lodge a complaint*

Under sec. 16, P. H. Act, 1875, this Notice may be served on, or the penalty recovered from, the Owner.

Sec. 75. before 2 Justices, who may order the Owner, or, in his
Complaint to Justice. default, the Occupier, if any, to take down, rebuild, repair,
or otherwise secure such Buildings, etc., or such part
thereof as appears to them to be in a dangerous state,
within a specified time and to the satisfaction of such
Surveyor.

Non-com- Should such Order not be complied with, or if neither
pliance Owner nor Occupier can be found, the U. A. shall themselves
with Order. immediately do the Work specified therein.

Expenses. All Expenses of erecting the said Hoard and of executing
the specified Works shall be paid by the Owner (*secs.*
76, 77, 78).

P. H. Act, 1875: Rec. of Expenses, sec. 257. Notices, secs. 266, 267, p. 74.
P. H. Acts Amendt. Act, 1890: Safety of platforms, etc., sec. 37, p. 115.

76. If Owner can be found resident within the District,
but neglects on demand to pay the aforesaid Expenses, the
same may be levied by Distress.

77. If Owner cannot be found within District, or
sufficient Distress obtained, U. A. may take and dispose
of House or Grounds (after 28 days' Notice fixed thereon)
making Compensation as provided by the "Lands Clauses
Consolidation Act, 1845."

78. If Building pulled down, U. A. may sell Materials,
restoring to Owner overplus arising from Sale.

PRECAUTIONS DURING THE CONSTRUCTION AND REPAIR OF SEWERS, STREETS, AND HOUSES IN URBAN DISTRICTS.

(See also Towns Police Clauses Act, sec. 28, p. 162, as to insufficient pro-
tection to areas, pits, etc.)

79. Bars to be erected across Streets during Repairs or
Alterations, and Lights placed at Night.

The U. A. shall, in order to prevent accidents during
the construction or repair of any Highway or any Sewer or
Drain—

- Shoring.
Bars, etc.
- (a) Properly shore up and protect the adjoining Buildings;
 - (b) Fix all necessary Bars or Chains to prevent the
passage of vehicular traffic;

(c) Light such Works during the night.

Sec. 79.

Penalty £5 for taking down, altering or removing any of the said Bars, or Chains, or extinguishing any Light without the consent of the U. A.

P. H. Act, 1875: Vesting of Streets in U. A., sec. 149, p. 43.

80. Hoards to be set up during Repairs. (*Repealed where c. 34, P. H. Amend. Act, 1890, is adopted, p. 113.*)

Penalty £5 and 40s. *daily* on any person intending to build or take down any Building (or to alter or repair the outside thereof), whereby any Street (*def.*) or Footway will be obstructed, who fails, prior to commencing the same, to erect to the satisfaction of the U. A. and to maintain in good condition as long as public safety or convenience requires—

- (a) Sufficient Hoards or Fences separating the Buildings from the Street;
- (b) A convenient Platform and Handrail outside thereof (if room enough) to serve as a Footway for ^{Temporary}Footway. passengers; or who fails,
- (c) Where requisite, to light the same during Night; ^{Lighting.}
- (d) To remove such Hoard, Platform or Handrail within ^{Removal}of Hoards, etc. a reasonable time after notice from the U. A. so to do.

81. Penalty for not enclosing and lighting Deposits of Building Materials or Excavations.

Penalty £5 and 40s. *daily* for depositing any Building Material, Rubbish, etc., or for making any Hole in any Street (whether by order of the U. A. or not), without sufficiently fencing or enclosing, and lighting (from sunset sunrise) such Materials or Hole, and continuing the same as long as such Materials or Hole may remain.

Dangerous places to be repaired, sec. 83.

P. H. Acts Amendt. Act, 1890: Hoards to be set up during repairs, sec. 34, p. 113.

Quarry (Fencing) Act, 1887: Fencing of pits, etc., sec. 3, p. 147.

82. Penalty for continuing Deposits an unreasonable time.

Penalty £5 and 40s. *daily* for allowing such Deposits or

Sec. 82. Hole (*sec.* 81) to remain for an unnecessary time; proof that a necessary time has *not* been exceeded to rest upon the defendant.

83. Dangerous Places to be repaired or enclosed.

If any Building, Hole, or other place near any Street (*def.*) be, for want of sufficient repair, protection or enclosure, dangerous to passengers along such Street, the U. A. shall repair, protect, or enclose the same; and the cost thereof shall be repaid by the Owner of the premises, and shall be recoverable from him as Damages.

Owner to
repay
Expenses.

Penalty for not enclosing and lighting Building materials and Excavations, secs. 81, 82.

P. H. Act, 1875: Rec. of Expenses, sec. 257, p. 73.

P. H. Acts Amendt. Act 1890: Hoards to be set up during repairs, sec. 34, p. 113.

Quarry (Fencing) Act, 1887: Fencing of pits, etc., sec. 3, p. 147.

Highway Act, 1835; Gravel Pits, etc., to be fenced, sec. 55, p. 444.

TOWNS POLICE CLAUSES ACT, 1847.

(10 & 11 VICT., CAP. 89.)

ARRANGEMENT OF SECTIONS.

SECTION

Definitions.

OBSTRUCTIONS (Sec. 28, part only).

8. Penalty for various forms of Obstructions in Streets, and on or over Footways.

FIRES (Secs. 30-33).

0. Penalty for setting Chimneys on Fire.

1. Penalty for accidentally setting Chimneys on Fire.

2. Power of U. A. to provide Fire Engine and Firemen.

3. Firemen may act outside District.

* * * * *

TOWNS POLICE CLAUSES ACT, 1847

(10 & 11 VICT., CAP. 89),

SECTIONS INCORPORATED WITH THE
PUBLIC HEALTH ACT, 1875
(Sec. 171).

NOTE.—Applicable only in Urban Districts.

INCORPORATED PROVISIONS.*

With respect to—

| | SECTIONS |
|---|----------|
| 1. Obstructions and Nuisances | 21-29 † |
| 2. Fires | 30-33 |
| 3. Places of Public Resort | 34-36 |
| 4. Hackney Carriages | 37-68 |
| 5. Public Bathing | 69-76 |

3. Definitions.

| Expressions. | Definitions. |
|------------------|---|
| * * | * * * * * |
| Person | Includes a Corporation whether aggregate or sole. |
| Lands | ” Messuages, Lands, Tenements, and Hereditaments of any Tenure. |
| Street | Includes any Road, Square, Court, Alley and Thorough- fare, or public passage. |
| * * | * * * * * |

* See P. H. Act, 1875, sec. 316 (p. 86): As to construction of Incorporated Acts, Rec. of Penalties, etc.

† With the exception of sec. 28 (part only), the other incorporated Clauses (Nos. 21-27), dealing with Obstructions and Nuisances, come within the exclusive jurisdiction of the Police Authorities, and are therefore omitted from this Work.

OBSTRUCTIONS AND NUISANCES (Sec. 28, part only).

* * * * *

28. Penalty for Offences in URBAN Districts.

Penalty 40s. or 14 days' Imprisonment on any person who in any Street (*def.*), to the obstruction, annoyance, or danger of the Residents or Passengers, commits any of the following Offences, viz.:—

* * * * *

Places, uses, or leaves any Furniture, Goods, Wares, Merchandise, Cask, Tub, Pail, Bucket, Standing-places, Stool, Bench, Stall, or Show-board on any Footway, or any Blind, Shade, Covering, Awning, or other Projection over or along any such Footway, unless the same be 8 feet in height, at least, in every part thereof from the ground.

Towns Impt. Clauses Act, 1847: As to removal of Obstructions, Projections, etc., also as to Doors opening outwards, secs. 66–74, p. 152.

Places, hangs up, or otherwise exposes to Sale any Goods, Vares, Merchandise, or matter whatsoever, so that the same project—

(a) Into or over any Footway; or

(b) Beyond the line of any Building at which the same are so exposed so as to obstruct or incommode passengers along such Footway.

Rolls or Carries any Cask, Tub, Hoop, or Wheel, or any Ladder, Plank, Pole, Timber, or Log of Wood upon any Footway, except for loading or unloading any Vehicle, or crossing the Footway.

* * * * *

Cleanses, hoops, fires, washes, or scalds any Cask or Tub; or hews, saws, bores, or cuts any Timber, Stone, or Bricks, or screens any Lime.

Throws or lays down any Stones, Coals, Slate, Shells, Lime, Bricks, Timber, Iron, etc. (except Building Materials enclosed as to prevent mischief to passengers).

Towns Impt. Clauses Act, 1847: Precautions during construction and repair of Sewers, Streets, and Houses, secs. 79–83, p. 156. Hoards to be set up during progress of Buildings, and deposits of Building Materials to be enclosed and lighted, secs. 80, 81, p. 157.

- Sec. 28. Flower-pots, etc., on Window-sills. Fixes or places any Flower-pot, Box, or other heavy article in any upper window without sufficiently guarding the same against being blown down.
- Throwing Slates, etc., from Roofs. Throws from the Roof or other part of any Building any Slate, Brick, Wood, Rubbish, or other thing (except Snow thrown so as not to fall on any passenger).
- * * * * *
- Fencing, etc., to Vaults, Cellar-doors, Excavations. Leaves open any Vault or Cellar, or the Entrance from any Street to any Cellar or Underground Room, without a sufficient fence or handrail; or leaves defective the Door, Window, or other Covering of any Vault or Cellar; insufficiently fences any Area, Pit, or Sewer left open, or fails to light the same after sunset.
- * * * * *
- Towns Impt. Clauses Act, 1847: Doors to open inwards, secs. 71, 72, p. 154. Coverings to Cellar-doors, sec. 73, p. 154. Precautions during construction and repair of Streets, Sewers, and Houses, secs. 79-83, p. 156.
P. H. Amendt. Act, 1890: Repair of Cellars under Streets, sec. 35, p. 113.
Highway Act, 1835: Nuisances on Highways, secs. 72, 73, p. 449.
- Deposit of offensive Rubbish, etc., in Streets. Throws or lays any Dirt, Litter, Ashes, Nightsoil, or any Carrion, Fish Offal, or Rubbish on any Street; or causes any Offensive Matter to run from any Manufactory, Brewery, Slaughter-house, Butcher's Shop, or Dunghill into any Street.
- Exemptions from Offences. Provided that it shall not be deemed an Offence to lay Sand or other materials in any Street in time of frost to prevent accidents; or litter, or other suitable materials, to prevent the freezing of water in pipes; or in case of sickness, to prevent noise, if the person laying such things removes them as soon as the occasion for them ceases.
- * * * * *
- P. H. Act, 1875: L. A. may make Byclaws imposing Duty of cleansing Footways on Occupier, sec. 44, p. 26; also Model Byclaws, p. 579: Power of U. A. to provide Receptacles for deposit of Rubbish, sec. 45, p. 27. Offensive Collections of matter, secs. 49, 50, p. 29. Nuisances, sec. 91, p. 31.
- Pigstye and Swine near Streets. Keeps any Pigstye, not being shut out from the front of any Street by a Sufficient Wall or Fence; or who keeps any Swine in or near any Street so as to be a common Nuisance.
- * * * * *
- P. H. Act, 1875: Penalty for keeping Swine in Dwelling house in U. District so as to be a Nuisance, sec. 47, p. 28. Keeping any Animal so as to be a Nuisance, or injurious to health, sec. 91, p. 32. Recovery of Penalties, secs. 251-257, p. 72. Notices, secs. 266, 267, p. 74.

FIRES (Secs. 30–33).

30. Penalty for setting Chimneys on Fire in URBAN District.

31. Penalty for accidentally setting Chimneys on Fire.

32. Power of URBAN A. to provide Fire-engines and Firemen.

The U. A. may—

- (a) Purchase or provide Fire-engines, Water-buckets, Pipes, and other Appurtenances therefore, Fire-escapes, and other Implements for safety and use in case of Fire.
- (b) Purchase, keep, or hire Horses for drawing such ^{Horses.} Fire-engines.
- (c) Build, provide, or hire places for keeping such ^{Fire Stations.} Engines with their Appurtenances.
- (d) Employ a proper number of persons to act as Firemen, and make Rules for their regulation, and pay them such salaries and rewards as they think fit.

P. H. Act, 1875: U. A. to provide Fire-plugs, sec. 66, p. 187. Expenses of U. A., sec. 207. Borrowing powers, sec. 233, p. 67.

Waterworks Clauses Act, 1847: Water Company to provide Fire-plugs, secs. 38–43, p. 204.

Watching and Lighting Act, 1833: Fire Engines, etc., in R. Districts, sec. 44, p. 247.

33. Firemen may act Outside District.

The U. A. may send such Fire-engines, etc., and Firemen outside their District for extinguishing Fires in the neighbourhood; and the Owner of the Premises where any Fire occurs shall defray the actual Expenses incurred, together with a reasonable charge for the use and attendance of such Fire-engines, etc.; and, in case of any dispute, the amount of such expenses and charge, as well as the propriety (if disputed) of sending the said Fire-engines, shall be determined by two Justices, whose decision shall be final, such Expenses and charge being recovered by the U. A. as Damages.

Owners to
pay Ex-
penses.

*

*

*

*

*

*

PUBLIC BODIES CORRUPT PRACTICES ACT, 1889.

(52 & 53 VICT., CAP. 69.)

An Act for the more effectual Prevention and Punishment of Bribery and Corruption of and by, Members, Officers, or Servants of Corporations, Councils, Boards, Commission, or other Public Bodies.

1. Corruption in Office a Misdemeanor.

Every person who alone or in conjunction with any other person—

Offences.

- (a) Corruptly solicits, receives, or agrees to receive (for himself or any other person) any Gift, Loan, Fee, Reward, or Advantage whatever ; or
- (b) Corruptly gives, promises, or offers any Gift, Loan, Fee, Reward, or Advantage (*def. sec. 7*) whatever to any person (whether for that or another person's benefit) ;

as an inducement to or reward for, or otherwise on account of, any Member, Officer, or Servant of any Public Body (*def. sec. 7*) doing, or forbearing to do, anything in respect to any proposed or actual transaction in which such Body is concerned, shall be guilty of Misdemeanor.

P. H. Act, 1875 : Officers not to contract with L. A., sec. 193, p. 60.

2. Maximum Penalties for Offences under Sec. 1.

- (a) 'Two Years' imprisonment, with or without hard labour; or Fine of £500; or to *both* such penalties; and
- (b) In addition thereto, Payment to such Body, of the amount or value of any Gift, Loan, Fee or Reward (or any part thereof) received by him; and
- (c) Forfeiture of any public office held at the time of conviction, and adjudgment as incapable of being appointed to any public office (*def. sec. 7*) for 7 years therefrom.

P. H. Act, 1875: Officers not to contract with L. A. sec. 193, p. 60.

Additional penalties in the event of a *Second Conviction*, On Second Conviction.
viz.:—

- (d) Adjudgment as for ever incapable of holding any public office (*def. sec. 7*), and to be incapable for 7 years of being registered as an Elector, or Voting for parliamentary or public purposes.

* * * * *

- (e) Forfeiture of any right or claim to Compensation or Pension to which he would otherwise have been entitled as an Officer or Servant of any Public Body.

3. Savings.

Offences, as aforesaid, may be punished under this Act, or under any other Enactment, or at common law; but no person shall be punished twice for the Same Offence.

No person shall be exempt from punishment by reason of the invalidity of the Appointment or Election of a person to a public office.

4. Proceedings not to be instituted except with Consent of Attorney-General.

5. Expenses of prosecution to be defrayed in like manner as a Felony.

6. Jurisdiction of Quarter Sessions.

7. Interpretations.

| Expressions. | Definitions. |
|---------------|--|
| Public Body | The Council of any County, City, Town, or Municipal Borough, also any Board, Commissioners, Select Vestry, or other Body acting under any Local Government, Public Health or Poor Law Acts, or other Acts for the administration of Public Rates. |
| Public Office | Any Office or Employment as a Member, Officer, or Servant of such Public Body. |
| Person . . . | Includes a body of persons, corporate or unincorporate. |
| Advantage . | Includes any office, dignity, forbearance to demand money or valuable thing, or any actual or pretended aid, vote, consent, or influence, or any promise or procurement of (or agreement, or endeavour to procure) or the holding out of, any expectation of any Gift, Loan, Fee, Reward, or Advantage, as before defined. |

8. Application of Act to Scotland.

9. Criminal Law of Procedure Act (Ireland) not to apply to Trial under this Act.

THE PUBLIC HEALTH (INTERMENTS) ACT, 1879.

(42 & 43 VICT., CAP. 31.)

AMENDING THE PUBLIC HEALTH ACT, 1875 (SEC. 141) AS TO INTERMENTS.

NOTE.—Applicable to Local Authorities.

2. Provisions of Public Health Act, 1875, as to Mortuaries (*sec. 141, p. 39*) to extend to Cemeteries.

(1) Section 141, P. H. Act, 1875, as to Mortuaries shall extend to Cemeteries; and the purposes of that Section shall include the Acquisition, Construction, and Maintenance of a Cemetery.

(2) A L. A. may acquire, construct, and maintain (and may accept donations of land, money, or other property therefor) a Cemetery, either wholly or partly within or (subject to the provisions of the P. H. Act, 1875, *secs. 32–34, p. 21*, as to Sewage Works without the District) without, the District. ^{Donations of Land, etc.}

3. The Cemeteries Clauses Act, 1847 * (*p. 168*), shall be incorporated with this Act.

* See footnote, p. 168.

THE CEMETERIES CLAUSES ACT, 1847.*

(10 & 11 VICT., CAP. 65.)

(INCORPORATED WITH THE PUBLIC HEALTH (INTERMENT) ACT, 1879.)

SYNOPSIS OF CHIEF PROVISIONS RELATING TO THE CONSTRUCTION AND MAINTENANCE OF CEMETERIES.

WITH RESPECT TO THE MAKING OF CEMETERIES
(Secs. 6-17).

6. Construction of Cemeteries to be subject to the Provisions of this and of the Lands Clauses Consolidation Acts, 1845, as to Compulsory Purchase of Lands and Compensation therefor.

* * * * *

The L. A.—

9. Shall not dispose (or use for other purposes than authorized by this or the P. H. Act, 1875) of Land consecrated or used for Burials;

10. Shall not construct any Cemetery nearer to any Dwelling-house than 200 yards (except with the written consent of the Lessee, Owner, or Occupier;

11. May build (upon Land authorized to be used for purposes of a Cemetery) necessary Chapel, and lay out and embellish the Cemetery Grounds;

* See also the re-enacted Sections (contained in Schedule V., Part III., of the P. H. Act, 1875, p. 94) of the following repealed Acts, viz.:—Public Health Act, 1848, sec. 83. Loc. Gov. Act, 1858, sec. 49, and Amendment Act, 1861, sec. 21. Sanitary Act, 1868, sec. 6.

12. May make any New Roads upon such Lands, to the Cemetery, or widen or improve existing Roads thereto ;
13. May not widen or improve existing Private Roads without the Owner's consent ; or any Public Road without the consent of the Managers thereof ;
14. May enter into agreements with such aforesaid Owners or Managers for enabling the L. A. to widen, improve, or maintain such Roads ;
15. Shall enclose every part of such Cemetery by substantial Walls, or Iron Railings, 8 feet high at least ;
16. Shall keep the Cemetery Buildings and Fences in complete repair and in good order and condition ;
17. Shall do as little damage as possible, and shall fully compensate all parties interested for damage sustained by them through the exercise of these powers.

WITH RESPECT TO THE PREVENTION OF NUISANCES
ARISING FROM CEMETERIES (Secs. 18-22).

The L. A.—

18. Shall make all necessary and proper drains for draining the Cemetery, and may connect the same with any existing Sewer with the consent of the persons having the management thereof, and of the Road or Street, or owning, or occupying the lands through which any opening is made, doing as little damage as possible, and making all good on completion ;
19. Where any Street, Road, or Sewer shall be opened up as aforesaid, the Clauses of the "Waterworks Clauses Act, 1847," with respect to the breaking-up of Streets for the purpose of laying pipes (*p.* 200) ; shall be incorporated with (so far as is consistent with and applicable to), this Act.

PENALTIES (also see Secs. 58, 59).

Fouling
Water.

20. The L. A. shall forfeit the sum of £50 for fouling any Stream, Canal, Reservoir, Aqueduct, Pond, or Watering-place by Offensive Matter from any Cemetery;
21. Such penalty being recoverable by any rightful User of such water, provided that the same be sued for during the continuance of the Offence, or within six months after its cessation.
22. In addition to the above Penalty (and whether the same be recovered or not) such User may sue the L. A. for any damage specially sustained by him by such fouling, or if no such damage is alleged, for a *daily penalty of £10* after the expiration of 24 hours from the notification to the L. A. of such fouling.

Sections 23–39 provide for—

The Consecration of part of Cemetery; Erection of Chapel in connection with the Established Church; Appointment of Chaplain and Gravedigger; Registration of Burials; Regulations for ensuring Solemnity, etc., etc.

Sections 40–51 provide for—

The exclusive rights of burial in parts of Cemetery; Monumental Inscriptions; Register of Grants to be kept; Vaults; Power to remove Monuments improperly erected, etc.

Sections 52–57 provide for—

Payment to Incumbents of Parishes or Ecclesiastical Districts, and to Parish Clerks, etc.

PENALTIES.

58. Penalty £5 for wilfully destroying, disfiguring, defacing, daubing, placarding, or injuring any—

“Cemetery Building, Wall, or Fence, Tree, Plant, Sec. 58.
Monument, Tablet, Inscription, or Gravestone, or
doing other wilful damage in such Cemetery.”

59. Penalty £5 on any person who—

“Plays games, discharges firearms (save at a Military
funeral); or unlawfully disturbs assemblies of per-
sons in such Cemetery, or commits any other
Nuisance.”

P. H. Act, 1875 : Rec. of Penalties, secs. 251–257. Notices, secs. 266, 267.

* * * * *

66. Access to Special Act.

* * * * *

BARBED WIRE ACT, 1893.

(56 & 57 VICT., CAP. 32.)

An Act to prevent the use of Barbed Wire for Fences in Roads, Streets, Lanes, and other Thoroughfares.

CONTENTS.

SECTION

1. Short Title.
2. Interpretations.
3. Removal of Barbed Wire where Nuisance to Highway.
4. Proceedings where L. A. is Occupier of the Land.
5. Expenses of L. A.

BARBED WIRE ACT, 1893.

(56 & 57 VICT., CAP. 32.)

NOTE.—Applicable to Local Authorities as defined by sec. 2.

2. Interpretations.

| Expression. | Definition. |
|-----------------------|---|
| Barbed Wire . . . | Any Wire with spiked or jagged projections. |
| Nuisance to a Highway | Barbed Wire, which may probably be injurious to persons or animals lawfully using such Highway. |
| Local Authority . | County Council, Urban A., any S. A. in London, Highway Board, or other L. A., existing, or hereafter created by Parliament, having control over Highways. |
| * * | * * * * * |

3. Removal of Barbed Wire where Nuisance to Highway—

(1) Where there is on any Land adjoining a Highway within the County, or District of a Local A.* a Fence made with Barbed Wire (or in, or on, which Barbed Wire has been placed), and the same is a Nuisance to such Highway (*def.*), the L. A. may serve written Notice upon the Occupier of such Land requiring him within a specified time (not being less than one nor more than six, months after the date of the Notice) to abate such N.

(2) On his failure to comply with such Notice, such L. A. may apply to a Court of S. J., which Court, if satisfied that the Barbed Wire is a N. (*def.*), may by Summary Order direct the Occupier to abate such N.

On his failure to comply with such Order within a reasonable time, the L. A. may execute such Order and recover the expenses thereof summarily.

* See *def. sec. 2, ante.*

4. Proceedings where L. A. is Occupier of the Land.

Where the L. A. are the Occupiers of the Land, proceedings may be taken by any Ratepayer (who may thereupon do all acts and things which a L. A. is empowered to do) within their District.

Notice to the L. A. to abate the N. (*def.*) may be served upon the Clerk.

5. Expenses of L. A.

Expenses incurred by a Local A. in the execution of this Act shall be defrayed in like manner as Highway Expenses.

P. H. A., 1875, secs. 216, 217, p. 63.

SHORT TITLES ACT, 1892.

(55 VICT., CAP. 10.)

| | | |
|----------------------|--|-------------------------------|
| 38 & 39 Vict., c. 55 | Public Health Act, 1875 | The Public Health Acts. |
| 41 & 42 Vict., c. 25 | P. H. (Water) Act, 1878 | |
| 42 & 43 Vict., c. 31 | P. H. (Interments) Act, 1879 | |
| 45 & 46 Vict., c. 23 | P. H. (Fruit Pickers' Lodg- ings) Act, 1882 | |
| 46 & 47 Vict., c. 37 | P. H. Act, 1875 (Support of Sewers), Amendment Act, 1883 | |
| 47 & 48 Vict., c. 12 | P. H. (Confirmation of Bye- Laws), Act, 1884 | |
| 47 & 48 Vict., c. 74 | P. H. (Officers) Act, 1884 | |
| 48 & 49 Vict., c. 35 | P. H. (Ships, &c.), Act, 1885 | |
| 48 & 49 Vict., c. 53 | P. H. (Members and Offi- cers) Act, 1885 | |
| 48 & 49 Vict., c. 72 | Housing of the Working Classes Act, 1885, Secs. 7-10 | |
| 51 & 52 Vict., c. 52 | P. H. (Buildings in Streets) Act, 1888 | |
| 52 & 53 Vict., c. 64 | P. H. Act, 1889 | |
| 53 & 54 Vict., c. 17 | P. H. (Rating of Orchards) Act, 1890 | |
| 53 & 54 Vict., c. 59 | P. H. Acts Amendment Act, 1890 | |

WATER SUPPLY.

| | PAGE |
|--|------|
| PUBLIC HEALTH ACT, 1875 (Provisions as to Water) | 179 |
| PUBLIC HEALTH (WATER) ACT, 1878 | 190 |
| WATERWORKS CLAUSES ACT, 1847 | 197 |
| Do. Do. 1863 | 214 |

WATER SUPPLY

UNDER THE

PUBLIC HEALTH ACT, 1875

(Secs. 51–70),
(38 & 39 VICT., CAP. 55).

ARRANGEMENT OF SECTIONS.

POWERS OF LOCAL AUTHORITY IN RELATION TO SUPPLY OF WATER.

SECTION

51. General Powers for supplying District with Water.
52. Restriction on construction of Waterworks.
53. Construction of Reservoirs.
54. Power of carrying Mains.
55. Supply of Water.
56. Power to charge Water Rates and Rents.
57. Incorporation of certain Provisions of the Waterworks Clauses Acts.
58. Power to supply Water by Measure.
59. Register of Meter to be evidence.
60. Penalty for injuring Meters and Fittings.
61. Power to supply adjoining District.
62. Power to require Houses to be supplied with Water.
63. Power of Water Company for supplying Water to L. A.
64. Vesting of Public Cisterns, etc., in L. A.
65. Water for Public Baths, Trading, or Manufacturing Purposes.
66. Duty of U. A. to provide Fire-plugs.
67. Agreements with Universities.

PROTECTION OF WATER.

68. Penalty for corrupting Water by Gas Washings.
69. L. A. may take proceedings to prevent Sewage Pollution of Streams.
70. Power to close Polluted Wells, etc.

WATER SUPPLY BY LOCAL AUTHORITY
UNDER THE
PUBLIC HEALTH ACT, 1875
(Secs. 51-70),
(38 & 39 VICT., CAP. 55.)

(SEE ALSO THE PUBLIC HEALTH (WATER) ACT, 1878, p. 190).

51. General Powers for supplying District with Water.*

Any URBAN A. may provide their District, or any part thereof, and—

Any RURAL A.† may provide their District, or the whole or any part of any Contributory place therein— with a supply of Water proper and sufficient for public and private purposes, and may—

- (1) Construct and maintain Waterworks (*def. p. 8*), dig Wells, and do other necessary acts;
- (2) Take on lease, hire, and (with the sanction of the L. G. B.) purchase any Waterworks, or any right to take or convey Water, either within or without their District, or any rights, powers, or privileges, of any Water Company.
- (3) Contract with any person for a supply of Water (*sec. 63*).

P. H. Act, 1875 : Power to lay Mains, *sec. 54*. Power to supply Water to adjoining District, *sec. 61*. Power of Water Co. for supplying Water to L. A., *sec. 63*. Vesting of Public Cisterns in L. A., *sec. 64*. Vesting of Streets in U. A., *sec. 149*. Power to require alteration to position of Water and Gas pipes, *sec. 153*. Purchase of Lands, *secs. 175, 176*. Contracts, *sec. 173*. Power to execute Works in adjoining District, and to combine for execution of same, *sec. 285*. Defaulting L. A., *sec. 299*. Saving for Water Rights

* As to complaint by Parish Council of default of District Council to provide Water Supply, etc., see Local Gov. Act, 1894, *sec. 16*, p. 397.

† As to the powers of a Parish Council for obtaining Water Supply, see Local Gov. Act, 1894, *sec. 8 (e)*, p. 394.

generally, sec. 332. Arbitration as to alteration of Sewers injuriously Sec. 51. affecting Water Supply, sec. 333; also—

Waterworks Clauses Act, 1847, p. 197: Power to break up Streets not under control of L. A., secs. 28–34. Entry on to Private Lands, sec. 29.

Waterworks Clauses Act, 1863, p. 214: Security of Reservoirs, secs. 3–10. Supply of Water other than for Domestic purposes, secs. 12, 13.

P. H. (Water) Act, 1878, p. 190: Water Supply in Rural District, secs. 3, 6, 7. As to Investment of U. A. with similar powers, sec. 11.

P. H. (Support of Sewers) Act, 1883, p. 141: Support of Waterworks in Mining Districts, sec. 3.

52. Restriction on Construction of Waterworks by L. A.

Before commencing to construct Waterworks (*def. p. 8*) ^{Notice to Water Companies.} within any duly authorized Water Company's limits of Supply, the L. A. shall give written Notice to such Company, stating the purpose and extent for, or to, which they require Water; and no such Waterworks shall be constructed if, and so long as, such Company can and will supply Water proper and sufficient for all the reasonable purposes of the L. A.

Any dispute thereon, or as to the terms of Supply (in so ^{Arbitra-} far as the Company's charges are not regulated by Act) to be settled by Arbitration.

Arbitration, sec. 179, p. 56; also—

Waterworks Clauses Act, 1847, p. 197: Supply by Water Company, secs. 35–43.

53. As to Construction of Reservoirs.

The L. A. shall give 2 months' Notice by advertisement in a local Newspaper prior to constructing any Reservoir (other than a Service Reservoir Tank not exceeding ^{Intended construction to be advertised.} 100,000 gallons capacity).

If any person affected thereby makes written objection within the said 2 months, such Works shall not be commenced without the sanction of the L. G. B., who may, on ^{If objections made, L. G. B. to hold inquiry.} the application of the L. A., inquire as to the propriety of, and objection to, the Works, and may allow, disallow, or modify, the same.

See references to sec. 51, *ante*; also—

P. H. Act, 1875: Construction of Works in adjoining District, sec. 285. L. G. B. Inquiries, sec. 293, p. 81.

Waterworks Clauses Act, 1863: Security of Reservoirs, secs. 3–10, p. 215.

54. Power of carrying Mains.

A L. A. shall have the same powers, and be subject to

Sec. 54.

the same restrictions, for carrying Water Mains within or without their District, as they have and are subject to for carrying Sewers.

P. H. Act, 1875: Powers for carrying Sewers within or without District, secs. 16, 32. Vesting of Streets in U. A., sec. 149. Power to require alteration to position of Gas and Water pipes, sec. 153. Arbitration as to alteration of Sewers injuriously affecting Water Supply, etc. 333; also—

Waterworks Clauses Act, 1847, p. 197: Power to break up Streets where not under control of L. A., and entry on to Private Lands, secs. 28–34.

P. H. (Support of Sewers) Act, 1883, p. 141: Support of Sewers in Mining Districts, sec. 3.

| | |
|---|---|
| Electric Lighting Act, 1882–1888, p. 253, secs. 12, 15, | } Power of Authorities, Companies, etc., to break up Streets and alter the position of Water Mains. |
| Gasworks Clauses Act, 1847, p. 223, secs. 6, 12, | |
| Tramways Act, 1870, p. 417, secs. 26, 30, 33, | |

55. L. A. to provide Supply of Water.

A L. A. *shall* provide and maintain in their Waterworks (*def. sec. 4, p. 8*) a supply of pure and wholesome Water, which *may* be constantly laid on at such pressure as will carry the same to the top story of the highest Dwelling-house.

High
Pressure.

Gratuitous Supply of Water, sec. 64. Water for Public Baths, and Trading Purposes, sec. 64. Provisions for protection of Water, secs. 68–70. Duty of U. A. to provide Fire-plugs and Supply for Fire-extinguishing purposes, sec. 66; also—

Waterworks Clauses Act, 1847, p. 197: Supply by Water Co. for Domestic Purposes, sec. 35. Cleansing Sewers and Drains, etc., sec. 37; Extinguishing Fires and provision of Fire-plugs, secs. 38–40. Fouling of Water, secs. 61–67.

Waterworks Clauses Act, 1863, p. 214: Supply other than for Domestic Purposes, secs. 12, 13.

P. H. (Water) Act, 1878, p. 190: Provision of Water Supply in Rural Districts where no available Supply, secs. 3, 6, 7. Supply by Stand-pipes, sec. 9. Investment of U. A. with powers of R. A., sec. 11.

Rivers Poll. Prev. Act, 1876, p. 129: Pollution of Streams from Solid Matter, Sewage, Manufacturing and Mining Discharges, secs. 2–5.

56. Power to charge Water Rates and Rents.

Water Rates may be charged, assessed on the net annual value of the premises supplied, and ascertained as prescribed for General District Rates (*sec. 211, p. 62*).

Agreements may also be entered into as to the terms of supply and payment recovered as for Water Rates.

Power to supply Water by measure, sec. 58, *post*. Rec. of Rates, sec. 256. p. 73; also—

| | |
|--|----------------------|
| Waterworks Clauses Act, 1847, secs. 68–74, p. 212, | } Recovery of Rates. |
| Waterworks Clauses Act, 1863, sec. 21, p. 219, | |

P. H. (Water) Act, 1878, p. 190: Power of Ratepayers to require L. A. to charge Water Rates, sec. 10. Rating for Supply from Stand-pipes, sec. 9.

57. Incorporation of Certain Provisions of the "Waterworks

Clauses Acts" (see pp. 197-219).

The "*Waterworks Clauses Act*, 1863," shall be incorporated with this Act, also the following provisions of the "*Waterworks Clauses Act*, 1847," with respect to the—

- (a) Breaking-up of Streets for the purpose of laying pipes where the L. A. have not the control of Streets (secs. 28-34). Incorporated Provisions.
- (b) Communication pipes to be laid by the Undertakers (secs. 44-47), and by the Inhabitants (secs. 48-53). Breaking up Streets.
- (c) Waste or misuse of Water (secs. 54-60). Communication pipes.
- (d) Provisions for guarding against fouling Water (secs. 61-67). Waste, etc.
- (e) Payment and Recovery of Water Rates (secs. 68-74). Fouling.

Provided that—

- (1) The provisions with respect to "the communication pipes to be laid by the Undertakers, and by the Inhabitants respectively," shall apply only in Districts, or parts thereof, where the L. A. lay any pipes for the supply of any of the Inhabitants thereof. Interpretations.
- (2) Any dispute authorized by any of the Incorporated Provisions to be settled by an Inspector or two Justices, shall be settled by a Court of S. J. Court of S. J.
- (3) Section 44, "*Waterworks Clauses Act*, 1847," shall have effect as if the words, "with the written consent of the Owner, or reputed Owner, of any such house, or the agent of such Owner," were omitted therefrom; and that any Rent for pipes or Works paid by an Occupier under that Section, may be deducted by him from any Rent due to such Owner.

As to construction of Incorporated Acts, sec. 316, p. 86.

58. Power to supply Water by Measure.

A L. A. may agree as to—

- (a) The Supply of Water by measure;
- (b) The payment, by Rent or otherwise, for every Meter provided by them. Meters.

Sec. 58.

Access for
repairs,
etc., of
Meters.

Such Meters to be kept in proper order, by and at the expense of such L. A. (who shall have access to, and be at liberty at all reasonable times to remove, test, inspect, and replace the same), failing which they shall not be entitled to recover the rent thereof whilst such default continues.

Waterworks Clauses Act, 1847, p. 197: Communication pipes to be laid by Undertakers, secs. 44-47. Communication pipes to be laid by Inhabitants, secs. 48-53. Cisterns to be provided where Supply not constant, sec. 54. Power to enter Houses, sec. 57.

Waterworks Clauses Act, 1863, p. 214: Power to let Meters, etc., to ascertain Consumption, secs. 14, 15. Penalty for use of Water without agreement, sec. 20.

59. Register of Meter to be Evidence.

The register of the Meter shall be *primâ facie* evidence of the quantity of Water consumed; any dispute as to such quantity to be determined by a Court of S. J., who may make an Order as to the costs of the proceedings, and whose decision shall be final.

See references to previous Section.

60. Penalty for injuring Meters, etc., or fraudulently using Water.

Penalty 40s. (without prejudice to any other right or remedy of the L. A.) for—

(a) Wilfully, or by culpable negligence, injuring or suffering to be injured, any of such Authority's Meters or Fittings (*sec. 60, p. 210*);

(b) Fraudulently altering the Index to any Meter, or preventing its duly registering;

(c) Fraudulently abstracting or using the Water (*sec. 58, p. 209*);

in addition to which the amount of the damage sustained may be recovered.

The existence of artificial means (under the control of the Consumer) for causing any such alteration, prevention, abstraction, or use, shall be evidence of Fraud.

See References to sec. 63, *post*; also—

Waterworks Clauses Act, 1847, p. 208, secs. 54-60, } Waste and misuse of
Waterworks Clauses Act, 1863, p. 218, secs. 16-20, } Water.

61. Power to supply Water to Authorities of Adjoining Districts.

Any L. A. supplying Water within their own District may (with the consent of the L. G. B.) supply Water to the L. A. of any adjoining District on agreed terms, or, in case of dispute, as may be settled by arbitration.

Arbitration, secs. 179, 180. Power to execute Works in adjoining District, and to combine for execution of Work, sec. 285, p. 78.

62. L. A. may require Houses to be supplied with Water in Certain Cases (*For Additional Powers, see P. H. (Water) Act, 1878, p. 190, secs. 3, 6, 11*).

If it appears to the L. A. (on the report of their Surveyor) that any house is without a proper Water Supply, and that the same can be furnished at a cost not exceeding that authorized by any Local Act (or failing such Act, at a cost not exceeding Twopence a week, or such other cost as the L. G. B. may on the application of the L. A. determine to be reasonable), such L. A. shall in writing require the Owner (*def. sec. 4, p. 8*) to obtain such Supply within a specified time and to do all works necessary for that purpose (*def. "Reasonable Cost," P. H. (Water) Act, 1878, sec. 8, p. 195*). Cost of Supply.

Failing compliance with such Notice, the L. A. may themselves do such Works and obtain such Supply, and, for that purpose may contract with any Water Company within their District. L. A. may provide Supply.

Water Rates may be levied on such Premises by the L. A. or Company and recovered as if the Owner had demanded a Supply, and any expenses incurred by the L. A. may be recovered summarily from the Owner, or may by their Order be declared to be Private Impt. Expenses (*P. I. Expenses, sec. 213, p. 63*). Recovery of Rates and Expenses.

General powers of L. A. for supplying District with Water, sec. 51. Power of carrying Mains, sec. 54. As to supply of Water, by L. A., sec. 55. Power to charge Water Rates and Rents, sec. 56. Power to supply Water by Measure, sec. 58. Power to close Polluted Wells, sec. 70. Rec. of Expenses from Owners, secs. 251-257, p. 72; also—

Waterworks Clauses Act, 1847, p. 197: As to Supply of Water by Water Co., sec. 35. Power of Owner or Occupier to break up Streets, sec. 52. Cisterns to be provided where Water not constant, sec. 54.

Sec. 62. Waterworks Clauses Act, 1863, p. 214: Power to let Meters, etc., secs. 14, 15.

P. H. (Water) Act, 1878, p. 190: Provision of Water Supply in Rural Districts where no available Supply, secs. 3, 6, 7. Supply by Stand-pipes, sec. 9. Investment of U. A. with powers of R. A., sec. 11.

See also References to sec. 56, *ante*, as to "Recovery of Rates."

63. Powers of Water Company for supplying Water to L. A.

Any Water Company may—

(a) Contract to supply Water;

(b) Lease their Waterworks; * * *

(c) Sell or transfer their rights, powers, and privileges,

Waterworks, premises, and other property
to any L. A.

Powers of L. A. to purchase Waterworks, sec. 51.

64. Vesting of Public Cisterns, etc., in L. A.

All existing Public Cisterns, Pumps, Wells, Reservoirs, Conduits, Aqueducts, and Works used for the gratuitous supply of Water shall vest in and be under the control of the L. A., who may also maintain and supply the same with pure and wholesome Water, or may substitute, maintain, and supply other Works equally convenient.

They may also (subject to this Act) construct other such Works for the gratuitous supply of Water to any inhabitants who choose to carry the same away, not for sale, but for private use.

Power to close Polluted Wells, etc., sec. 70; Gratuitous Supply, sec. 65.

P. H. (Water) Act, 1878: Supply by Stand-pipes, sec. 9, p. 195.

65. Water for Public Baths, Wash-houses, Trading, or Manufacturing Purposes.

A L. A. may—

(a) On agreed terms and conditions supply Water to Public Baths or Wash-houses, or for Trading or Manufacturing Purposes (*def. Non-Domestic Supply*, secs. 12, 13, p. 217);

(b) Construct any Works for the gratuitous supply of any Public Baths or Wash-houses established otherwise than for private profit or supported out of any Poor or Borough Rates (*Gratuitous Supply*, sec. 64).

L. A. to
maintain
Water
Supply.

Works for
gratuitous
Supply.

Works for
gratuitous
Supply.

66. Duty of URBAN A. to provide Fire-plugs.

An URBAN A. shall—

(a) Provide and maintain Fire-plugs and all necessary Works, Machinery, and assistance for securing an efficient Water-supply in case of Fire (for which purpose they may enter into agreement with any Water Company or person);

(b) Place marks on the Buildings and Walls adjoining such Plugs to denote the situation thereof, and do such other things as they deem expedient.

Position of
Fire Plugs
to be indi-
cated.

Towns Police Clauses Act, 1847: Power of U. A. to provide Fire-engines, sec. 32, p. 163.

Waterworks Clauses Act, 1847: Water Co. to provide Fire-plugs on request of L. A., and to supply Water for extinguishing Fires, secs. 38-43, p. 204.

Watching and Lighting Act, 1833; Fire Engines, etc., in Rural D., sec. 44, p. 247.

67. Agreements with Universities.

In the Oxford or Cambridge District, the L. A. may supply Water to any University, Hall, College, or Premises on such terms as may be agreed on between such University, etc., and the L. A.

PROVISIONS FOR PROTECTION OF WATER (Secs. 68-70).**68. Penalty for corrupting Water by Gas Washings.**

Penalty £200 and £20 daily (after 24 hours' Notice from the L. A. or Owner of the Water) on any Manufacturer who in making or supplying Gas—

(a) Causes or suffers any washings or other substance to enter any Stream, Reservoir, Aqueduct, Pond, or other place for Water, or into any Drain or Pipe communicating therewith;

(b) Wilfully does any Act whereby such Water is fouled.

Provided that such Penalties be *sued for during the continuation of the offence, or within 6 months from its cessation.* Limitation as to Rec. of Penalty.

Penalties may be recovered in the Superior Courts by the L. A. or other Owner (as the case may be), or in

Sec. 68. default of proceedings by the Owner, then by the L. A., after notification to him of their intention to proceed.

Sewage to be purified before being discharged into Streams, sec. 17, p. 15. Rec. of penalties, sec. 251. Restrictions on Rec. of penalties, secs. 252, 253, p. 72; also—

Waterworks Clauses Act, 1847, p. 210: Fouling of Water, secs. 61-67.

Waterworks Clauses Act, 1863, p. 218: Provisions for protection of Water, sec. 16.

P. H. Act Amendt. Act, 1890, p. 118: Penalty for throwing Cinders, Filth, etc., into Streams, sec. 47.

Rivers Poll. Prev. Act, 1876, p. 129: Putting Solid Matter, Sewage, Factory or Mining Pollutions into Streams, secs. 2-5. Pollution of Stream from without District, sec. 8.

69. L. A. may take Proceedings to prevent Sewage Pollutions of Streams.

Any L. A. may (with the sanction of the Attorney-General), either in their own name or, by consent, in that of any other person, take proceedings for protecting any Watercourse within their jurisdiction, from Sewage pollutions arising either *within or without* their District.

Within or
without
District.

See References to previous Section.

70. Power to close Polluted Wells, Cisterns, Pumps, etc.

Should the Water in any Well, Tank, or Cistern, or from any Public Pump, and used, or likely to be used, by man for Domestic purposes (*def. sec. 12, p. 217*), or for manufacturing Drinks, be so polluted as to be injurious to health, the L. A. may apply to a Court of S. J. for an Order against—

(a) The Owner or Occupier of the premises to which the Well, Tank or Cistern belongs; or

(b) In the case of a Public Well, Tank, Cistern or Pump, any person alleged in the application to be interested in the same.

Analysis
of Water.

The Court may cause such Water to be analysed at the cost of the L. A., and may either dismiss the application or make an Order directing—

Order of
Court.

(1) The Well, Tank, Cistern, or Pump, to be permanently or temporarily closed; or

(2) The Water to be used for certain purposes only, or such other Order as may appear requisite to prevent injury to health.

If such Order be not complied with, the Court may

authorize the L. A. to execute the same; any expenses being recovered Summarily. Non-compliance with Order.

Any Expenses incurred by a RURAL A., and not recovered as aforesaid, shall be Special Expenses (*Spec. Exps.* Expenses of R. A. *cc.* 229, *p.* 65).

Power of L. A. to require Houses to be supplied with Water, sec. 62.
 Vesting of Public Cisterns, Pumps, Wells, etc., in L. A., sec. 64; also—
 P. H. (Water) Act, 1878, p. 190: Provision of Supply in Rural Districts where none available, secs. 3, 6, 7. Supply by Stand-pipes, sec. 9. Investment of U. A. with powers of R. A., sec. 11.

PUBLIC HEALTH (WATER) ACT, 1878.

(41 & 42 VICT., CAP. 25.)

ARRANGEMENT OF SECTIONS.

SECTION

- 1, 2. Short Title and Commencement of Act.
3. Duty of Rural A. to provide, or require provision of, sufficient Water Supply and Procedure for enforcing same.
4. Appeal by Owner against requirement to provide Water Supply.
5. Appeal against Apportionment of Expenses for Joint Works of Supply.
6. Houses in Rural Districts not to be Erected or Rebuilt without sufficient Water Supply.
7. Periodical Inspection by R. A. of Water Supply.
8. Explanation of sec. 62, P. H. Act, 1875, as to meaning of "Reasonable Cost."
9. Rating for Water by Stand-pipes.
10. Power to require Water Rates to be levied.
11. Investment of Urban A. with powers of Rural A.
12. Forms of 1st and 2nd Notices to provide Water Supply under sec. 3.
13. Powers of Act cumulative.

* Schedule (containing 1st and 2nd Notices under secs. 3, 12).

* Not included in this Work.

PUBLIC HEALTH (WATER) ACT. 1878.

(41 & 42 VICT., CAP. 25.)

An Act to amend the Public Health Act, 1875 (Secs. 51-67), so far as relates to the Supply of Water.

NOTE.—With the exception of secs. 8 and 10 the provisions of this Act are applicable only in RURAL Districts. URBAN Authorities may, however, be invested (under sec. 11) with similar powers.

* * * * *

3. Duty of Rural A. to provide or require Provision of Sufficient Water Supply, and procedure for enforcing such Requirement. (*Compulsory Supply of Water, P. H. A., 1875, sec. 62, p. 185. See also sec. 6, post.*)

A Rural A. shall see that every occupied Dwelling-house has within a reasonable distance an available Supply of wholesome Water sufficient for “domestic purposes.” (*Def. Waterworks Clauses Act, 1863, sec. 12, p. 217.*)

If on the report of their Inspector of Nuisances it appears that any occupied Dwelling-house is without such Supply, and that the same can be furnished thereto, “at reasonable cost,” not exceeding £8 13s. 4d. (or other amount, not exceeding £13, as the L. G. B. may, on the application of the R. A., determine to be reasonable), and also that such expense ought to be defrayed by the Owner, or as Private Impt. Expenses, such R. A. may proceed as follows:—

- (1) Serve Notice* on the Owner (*def. sec. 4, p. 8*), requiring him within a specified time, not exceeding

Supply to be within reasonable distance.

Procedure where no Supply.

Service of 1st Notice.

* For Forms of Notices, see Schedule (not included in this Work).

Sec. 3.

6 months from the date of service, to provide such Supply, and to do all works necessary for that purpose. (*Service of Notices, secs. 266–267, p. 74.*)

On failure
to comply
2nd
Notice to
be served.

(2) Failing compliance with such Notice, a *second* Notice* may be served stating that, failing compliance with the former Notice within one month, they will themselves provide such Supply, and that the expense thereof will be payable by the Owner or as Private Improvement Expenses (*see P. H. A. 1875. P. I. Exps., sec. 213, p. 63. Rec. of Expenses, sec. 257, p. 73 ; also Appeal, sec. 4, post*).

Failing
Compli-
ance R. A.
may pro-
vide
Supply.

(3) Failing compliance with such 1st Notice within the period specified in the 2nd Notice, the R. A. may themselves provide the Supply, and execute all necessary works therefore, and, for the purpose of entry on to the premises, *secs. 102, 103, P. H. A., 1875, p. 36*) shall apply just as if an Order for an abatement of a Nuisance had been made but not complied with.

Recovery
of Ex-
penses of
R. A.

(4) The expense of providing a Supply may be recovered summarily, *sec. 251, p. 72*) from the Owner, or as Private Impt. Expenses.

Joint
Works of
Supply.

(5) When the Owners of two or more Houses have failed to comply with such Notices, and the R. A. may consequently, execute the Works of Supply, they may, if no greater expense would be incurred thereby, execute Works for a *joint Supply* to such houses, and apportion the expenses. (*Appeal against Apportionment, sec. 5*).

With-
drawal of
Notice.

The R. A. may, on satisfactory cause being shown them, withdraw or modify the Notice.

Duty of
R. A. to
provide
Supply.

Provided that this Section shall not relieve the R. A. from its duty under the P. H. Act, 1875 (*sec. 55*), of providing their District, or the whole or any part of any Contributory place therein, with a supply of Water in cases where:—
(a) danger to health arises from the insufficiency or unwholesomeness of the existing Supply, (b) a general scheme of

* For Forms of Notices, see Schedule of Act.

Supply is required, and such Supply can be obtained at a reasonable cost. Sec. 3.

Appeals, secs. 4. 5. Houses in Rural D. not to be erected or rebuilt without sufficient Water Supply, sec. 6. Periodical Inspection of Water supply in Rural D., sec. 7. Supply from Stand-pipes in Rural D., sec. 9. Investment of U. A. with powers of R. A., sec. 11; also—

P. H. Act, 1875: Power for carrying Mains, sec. 54, p. 181. As to Supply of Water by L. A., sec. 55. Vesting of Public Cisterns, Pumps, Wells, etc., in L. A., sec. 64, p. 186. Power to close Polluted Wells, sec. 70. Vesting of Streets in U. A., sec. 149. Power to require altered position of Gas and Water pipes, sec. 153. Arbitration as to alteration of Sewers injuriously affecting Water Supply, sec. 333, p. 90.

Waterworks Clauses Act, 1847, p. 197: Power to break up Streets, etc., and entry on to Private Land, secs. 28–34. Supply of Water by Company, sec. 35. Power of Owner or Occupier to break up Streets, sec. 52. Cisterns to be provided where Supply not constant, sec. 54. Defaulting L. A., sec. 299.

Waterworks Clauses Act, 1863: Power to let Meters, etc., secs. 14, 15, p. 217.

4. Appeal by Owners against Requirement to provide Water Supply.

Where any Owner, having been required to provide a Supply (*see previous Section*), makes any of the following objections, viz.:—

- (1) That the Supply is not required.
- (2) That the time specified for providing the Supply is insufficient.
- (3) That it is impracticable to provide a Supply at a “reasonable cost” (*def. sec. 3*).
- (4) That the R. A. themselves ought to provide a Supply of Water for the District or Contributory Place (*def. sec. 229, p. 66*) in which the house is situate, or to render the existing Supply wholesome.
- (5) That the whole or part of the expense of providing the Supply, or of rendering the existing Supply wholesome, ought to be a charge on the District or Contributory Place;

Objection
by Owner
to Require-
ments.

He may within 21 days after service of the 2nd Notice memorialize the R. A., stating his objections, in which case it shall not be lawful for such A. to execute any of the Works until authorized as follows, viz.:—

By a Court of Summary Jurisdiction (*def. sec. 4, p. 9*), where the 4th or 5th objections are *not* included, which Court, if satisfied that the objections are not well founded,

Memorial
to R. A.

Objections
to be dealt
with by
Court of
S. J.

Sec. 4. shall make an Order authorizing the R. A. to do the Works, if not executed within a time limited in such Order.

Objections to be dealt with by L. G. B. By the L. G. B., where the 4th and 5th objections are taken or included (L. A. to forward copy of Memorial), which Board may either—

(a) Cancel the requirement; or

(b) Confirm the same, and issue an Order authorizing the R. A. to do the works, if not executed within a time limited in such Order.

L. G. B. may apportion Expenses. The L. G. B. may apportion the expense of providing the Supply between the Owner and the R. A., or between the Owner and any other person.

Defaulting R. A. If the L. G. B. cancel the requirement on the grounds of the 4th and 5th objections (*see previous Section*), the Memorial shall be deemed to be a complaint of Default made to the L. G. B. against the L. A. under the P. H. Act, 1875 (*sec. 299, p. 82*).

5. Appeal against Apportionment for Joint Supply.

Notice of the Apportionment of the cost of a *joint* Supply (*sec. 3, sub-sec. 5, p. 192*) must be given to the Owners. Should such Owners object to the Apportionment within 21 days from the service of Notice, they may apply to a Justice, who may summon the R. A. and Owners before a Court of S. J. (*def. p. 9*), which Court may either dismiss the application or vary the Apportionment.

P. H. Act, 1875 : Notices, secs. 266, 267, p. 74. Appeal against Order, sec. 269, p. 75.

6. Houses in Rural Districts not to be erected or rebuilt without Sufficient Water Supply. (*See also Compulsory Supply of Water, P. H. Act, 1875, sec. 62, p. 185; and sec. 3 of this Act.*)

Penalty. *Penalty* £10 on the Owner of any Dwelling-house erected in any Rural D. (or pulled down to or below the ground-floor and rebuilt), after the commencement of this Act, who occupies, or permits the same to be occupied, prior to obtaining from such A. a Certificate that there is within a reasonable distance such an available Supply of wholesome Water for “domestic purposes” (*def. Waterworks Clauses Act, 1863.*

Certificate of R. A.

sec. 12, p. 217) as may, on the report of their Inspector of Sec. 6. Nuisances or Medical Officer, appear sufficient therefore.

If such Certificate be not granted, the Owners may apply to a Court of S. J. (*def. sec. 4, p. 9*) for an Order authorizing the occupation of the House, whereupon the Court shall summon such R. A., and, if they think fit, authorize occupation (*P. H. Act, 1875: Recovery of Penalty, sec. 251, p. 72; Appeal against Order, sec. 269, p. 75*). Appeal from R. A. to Court.

Also see References to *sec. 3, ante*.

7. Periodical Inspections of Water Supply by R. A.

Every R. A. shall from time to time ascertain the condition of the Water Supply within their District, and may pay all reasonable expenses incurred thereby. The R. A. shall, if they have reason to believe that any occupied Dwelling-house is without a proper and sufficient supply of wholesome Water for "domestic purposes" (*def. sec. 12, p. 217*), be admitted into such Premises, or into those from which such Supply is derived, to ascertain whether or not there is a Supply within a reasonable distance. Suspected Dwelling-houses.

For the purpose of any such Admission, *secs. 102, 103, P. H. Act, 1875 (p. 36)*, shall apply the same as if entry was required for the examination of a Nuisance. Entry to premises for inspection.

Compulsory Supply of Water where no available Supply, *sec. 3*; also—

P. H. Act, 1875: Compulsory Supply of Water where an available Supply, sec. 62, p. 185. Power to close polluted Wells and provision of Water, secs. 68, 70, p. 187. Defaulting L. A., sec. 299, p. 82.

Waterworks Clauses Act, 1847: Fouling of Water, secs. 61–67, p. 210.

8. Explanation of Section 62, P. H. Act, 1875, as to Meaning of "Reasonable Cost."

Where a L. A. make application to the L. G. B. to determine what is a "reasonable cost" within the meaning of *sec. 62, P. H. Act, 1875 (p. 185)*, the Board may fix a general Scale of Charges for the whole or any part of the District; and the cost of the Supply to any House shall be deemed "reasonable" if it does not exceed such authorized Scale. L. G. B. to fix Scale of Charges.

9. Rating for Water Supply by Stand-pipes.

A R. A. may recover Water Rates or Rents from the Owner or Occupier of any Dwelling-house situate within

Sec. 9. 200 feet from any Stand-pipe provided by them, just as if the Supply had been given in the Premises.

Proviso. Nevertheless, if such House has within a reasonable distance, and from other sources, a supply of wholesome Water sufficient for Domestic purposes (*def. sec. 12, p. 217*), no Water rate or rent shall be recoverable, unless such Stand-pipe is used by the inmates of such House.

P. H. Act, 1875 : Power to charge Water Rates and Rents, sec. 56, p. 182.
Rec. of Rates, sec. 256, p. 73.

Waterworks Clauses Act, 1847 : Rec. of Rates, secs. 68-74, p. 212.

Waterworks Clauses Act, 1863 : Rec. of Rates, secs. 21, p. 219.

10. Power of Ratepayers to require Water Rates to be levied in **URBAN D.** or Contributory place.

Where a L. A. supply Water in an **URBAN** District or Contributory Place (*def. sec. 229, p. 66*), and an application to charge Water Rates or Rents is made by ten persons rated to the relief of the poor in such Urban District, or five persons in such Contributory Place, such L. A. shall exercise the powers of sec. 56, P. H. Act, 1875 (*p. 182*), of charging Water rates or rents.

See References to previous Section.

11. Investment of **URBAN A.**, with Powers of **Rural A.**

The L. G. B. may invest an **URBAN A.** with all or any of the powers and duties herein given to a *Rural A.*, either unconditionally or subject to conditions with respect to Time, portion of District, or manner, during at, or in, which such powers and duties are to be exercised.

12. Forms of 1st and 2nd Notice * to provide Water Supply (*under sec. 3, p. 191*).

13. Powers of Act cumulative.

* These Forms of Notices are not given in this Work.

WATERWORKS CLAUSES ACT, 1847.

(10 VICT., CAP. 17.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Extent of Act.
- 2, 3. Definitions.

*

*

*

*

*

*

BREAKING-UP OF STREETS, ETC.

28. Power to break up Streets, etc., and to open Drains.
29. Not to enter on Private Land without consent.
30. Notice to be given before breaking up Streets or Drains.
31. Streets or Drains not to be broken up except under Superintendence.
32. Streets or Drains broken up to be reinstated without delay.
33. Penalty for offences.
34. Power of Authorities to reinstate and recover Expenses.

SUPPLY OF WATER.

35. Constant Supply to be kept for Domestic Purposes at High Pressure.
36. Penalty for neglect of Requisition to lay Pipes, etc.
37. Supply to be kept for cleansing Sewers, Drains, etc., and for other Public Purposes.
38. Undertakers to affix Public Fire-plugs.
39. Undertakers to repair Fire-plugs.
40. Cost of Fire-plugs.
41. Fire-plugs to be placed near Manufactories on request.
42. Pipes to be kept charged and Water taken to extinguish Fires without charge.
43. Penalty for refusal to fix, etc., Fire-plugs, or for failure of Water Supply.

COMMUNICATION PIPES TO BE LAID BY THE UNDERTAKERS (44-47).

COMMUNICATION PIPES TO BE LAID BY THE INHABITANTS (48-53).

WASTE OR MISUSE OF THE WATER (54-60).

FOULING THE WATER (61-67).

PAYMENT AND RECOVERY OF WATER RATES (68-74).

AMOUNT OF PROFIT (75-84).

RECOVERY OF DAMAGES, PENALTIES, ETC. (85-89).

ACCESS TO THE SPECIAL ACT (90-94).

WATERWORKS CLAUSES ACT, 1847.

(10 VICT., CAP. 17.)

1. This Act shall extend only to Waterworks authorized by any Special Act declaring this Act incorporated therewith. * *

2, 3. Definitions.

| Expression. | Definition. |
|---------------------|--|
| "The Special Act" | Any Act hereafter passed authorizing the construction of Waterworks, and incorporated with this Act. |
| "The Undertaking" | The Waterworks, and the Works connected therewith. |
| * "The Undertakers" | The Persons authorized to construct the Waterworks. |
| "Person" . . . | Includes a Corporation, whether aggregato or sole. |
| "Lands" . . . | Includes Messuages, Lands, Tenements, and Hereditaments or Heritages of any Tenure. |
| "Streams" . . . | Includes Springs, Brooks, Rivers, and other running Waters. |
| "Street" . . . | Includes any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or Public Passage or Place within the limits of the Special Act. |
| "Water Rate" . . | Includes any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Water. |
| "The Waterworks" | The Waterworks and the Works connected therewith, by the Special Act, authorized to be constructed. |
| † "Inspector". . . | An officer appointed under any Local Act relating to the District supplied with Water under the Special Act for the purpose of superintending Works connected with Paving, Drainage, or Water Supply, or an officer appointed under any General Act for executing the like duties with regard to such District, together with other Districts. |
| * * * | * * * * * |

* Abbreviation : "Und." for Undertakers.

† Secs. 37, 38, 48, 49 provide where such Inspector has not been appointed, disputes are to be determined by two Justices.

BREAKING-UP OF STREETS, DRAINS, ETC. (SECS. 28-34).*

(Incorporated † with the P. H. Act, 1875. Sec. 57, p. 183.)

28. Power to break up Streets, Drains, etc., under Superintendence.Und. may (*under superintendence, sec. 31*), within the limits of the Special Act (*def. sec. 2*)—(a) open up the Soil and Pavement of the Streets (*def. sec. 3*) and Bridges, and any Sewer, Drain or Tunnel within or under the same ;

Power to lay Pipes. (b) lay down, repair, alter, or remove, Pipes, Conduits, Service Pipes, and other Works and Engines ;

Compensation. (c) do all other acts necessary for supplying Water ; doing as little damage (and compensating therefore) as possible.

Power of Owners or Occupiers to break up Streets, -sec. 52, p. 208 ; also—

P. H. Act, 1875 : Power of L. A. to lay Mains without District, sec. 54, p. 181. Vesting of Streets in U. A., sec. 149. Power of Authorities, Companies, etc., to break up Streets and alter the position of Water-pipes, sec. 153, p. 46.

Gasworks Clauses Act, 1847, p. 223, secs. 6-12, } Power to break up Streets
Electric Lighting Act, 1882, p. 253, secs. 12-15, } and alter position of
Tramways Act, 1870, p. 417, secs. 26, 30, 33, } Water-pipes.**29. Not to enter on Private Land without consent.**The Und. not to place any Pipe, Conduit, Service Pipe or other Work in any Land (*def. sec. 3*) not dedicated to public use, without the consent of the Owners and Occupiers thereof ; except that Pipes already lawfully so laid may be repaired, altered, or replaced by new Pipes.

Existing Pipes.

P. H. Act, 1875 : Power of L. A. to lay Mains without District, sec. 54, p. 181. Power of L. A. to lay on Supply on default of Owner, sec. 62, p. 185.

30. Notice to be given before breaking up Streets or Drains.

Three days' Written Notice shall be given the respective Authorities before commencing to open up any Street, Bridge, Sewer, Drain, or Tunnel, except in cases of emergency arising from defects in the Pipes or other Works,

Emergency.

* These Sections are practically identical with those of the Gasworks Clauses Act, 1847, secs. 6-12, p. 224.

† As to Construction of Incorporated Acts, see P. H. Act, 1875, sec. 316, p. 86.

and then as soon as possible. (*Penalty for default, sec. 33, Sec. 30. post.*)

31. Streets or Drains not to be broken up (*secs. 28, 30*)
except under Superintendence.

Except in cases of emergency (*see previous sec.*), no Street, Bridge, Sewer, Drain, or Tunnel shall be opened up except under the superintendence of the respective Authorities, Plan. and in accordance with an approved Plan; or, in case of disagreement, according to a Plan determined by two Justices; and such Justices may, on the application of the Sewer Authority, require the construction of temporary or other Works for guarding against any interruption of the Drainage. (*Penalty for default, sec. 33, post.*) Inter-
ruption of
Drainage.

Provided that, if such Authorities, after receiving Notice (*sec. 30, ante*), fail to attend at the time fixed, or to propose any Plan, or refuse, or neglect to superintend the operations the Und. may perform the Work specified in the Notice without such supervision.

P. H. Act, 1875: Settlement of Dispute where the L. A. are the Undertakers, sec. 57 (2), p. 183.

32. Streets or Drains broken up to be reinstated without delay.

The Und. shall—

- (a) with all convenient speed complete the Work, fill in the ground, make good the Road, Pavement, Sewer, Drain, or Tunnel opened up, and remove surplus material; Restor-
ation.
 - (b) fence, and guard, and light during the night; Fencing
 - (c) keep the Road and Pavement in good repair for 3 months after reinstatement, and repair any subsidence occurring within a further period of 9 months. and
Lighting.
Mainte-
nance of
Road, etc.
- (*Penalty for default, sec. 33, post.*)

33. Penalty £5 for offences against Sections 30, 31, or 32, Penalties.
and a further *Daily Penalty of £5* for unnecessary delay (*sec. 32, a*) after Notice.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

34. In case of Delay Authorities may reinstate and recover Expenses.

Should delay or omission (*secs.* 31, 32) take place, the respective Authorities of such Street, Bridge, Sewer, Drain or Tunnel may execute the Work, recovering the expense from the Und. as Damages.

Recovery of Damages, *sec.* 85, p. 213.

SUPPLY OF WATER (Secs. 35–43).

(These Sections are not incorporated with the P. H. Act, 1875, and therefore do not relate to the Supply of Water by a L. A.)

35. A Constant Supply to be kept for Domestic Purposes at High Pressure.

The Und. shall—

Pure and
wholesome
Supply.

(a) keep in their Pipes a Supply of pure and wholesome Water, sufficient for the Domestic Use (*def. sec.* 12, p. 217) of all the Inhabitants entitled to demand a Supply, and (unless otherwise provided by the Special Act (*def.*)) constantly laid on at such Pressure as will reach to the top story of the highest Houses;

Power to
require
Water
Supply.

(b) cause Pipes to be laid and Water to be brought to any part of the District, upon requisition by so many Owners and Occupiers in that part, that the aggregate annual amount of Water Rate payable by them (at the Rates specified in the Special Act) shall be not less than $\frac{1}{10}$ of the expense of providing such Pipes.

Provided that such Requisitioners severally execute an Agreement binding themselves to take such Supply for 3 successive years.

Where the Undertakers are—

(a) A Water Company, see Penalty for neglect to lay Pipes, etc., *sec.* 36. Supply for cleansing Sewers, Drains, etc., *sec.* 37. Supply for extinguishing Fires, *sec.* 42. Access to Special Act, *secs.* 90, 91.

- (b) A L. A., see P. H. Act, 1875: As to Supply of Water, sec. 55, p. 182. Sec. 35. Gratuitous Supply of Water, sec. 64, p. 186. Water for Public Baths, Trading, etc., sec. 65. Supply for extinguishing Fires, sec. 66.
- (c) A Water Co. or a L. A., see Waterworks Clauses Act, 1863: As to Supply other than for Domestic Purposes, secs. 12, 13, p. 217.

36. Penalty for neglect of Requisition to lay Pipes, etc.
sec. 35, b).

Penalty 40s. Daily (also payment to each Owner and Occupier of the amount of Rate which he would be liable to pay under such Agreement) for non-compliance with such Requisition (*sec. 35, b*) within 28 days after demand in Writing and Tender of the signed Agreement.

Provided that no Penalty shall be exacted for non-Supply of Water, if due to Frost, unusual Drought, or other unavoidable cause or accident. Exemption.

Rec. of Penalties, sec. 85, p. 213.

37. Supply to be kept for cleansing Sewers, Drains, etc., and for other Public Purposes.

The Und. shall keep constantly laid on in all the Pipes to which any Fire-plug (*sec. 38*) shall be fixed (unless prevented by Frost, unusual Drought, or other unavoidable accident, or during necessary repairs) a sufficient Supply for— Exemption.

- (a) cleansing Sewers and Drains;
 - (b) cleansing and Watering Streets;
 - (c) supplying any Public Pumps, Baths, or Wash-houses established for the free use of the Inhabitants, or paid for out of any Poor or Borough Rate levied within the limits of the Special Act (*def. sec. 2*);
- at such Rates, Quantities, Terms, and Conditions as may be agreed with the L. A., or, in case of disagreement, as settled by an Inspector (*def. p. 199.*) Baths, Wash-houses, etc. Cost, etc.

Where the Undertakers are—

- (a) A Water Company, see Constant Supply to be kept on at high pressure, sec. 35. Supply for extinguishing Fires, sec. 42. Access to Special Act, secs. 90, 91.
- (b) A L. A., see P. H. Act, 1875: As to Supply of Water, sec. 55, p. 182. Gratuitous Supply of Water, sec. 64, p. 186. Water for Public Baths, Trading purposes, etc., sec. 65, p. 186. Supply for extinguishing Fires, sec. 66, p. 187.
- (c) A Water Co. or a L. A., see Waterworks Clauses Act, 1863: As to Supply other than for Domestic purposes, secs. 12, 13, p. 217.

FIRE-PLUGS (Secs. 38-43).

38. Und. to affix public Fire-plugs.

The Und., at the request of the L. A., shall fix Fire-plugs in their Mains and Pipes, not exceeding the distance apart prescribed in the Special Act (*def. sec. 2*) or, where no limit is fixed, not more than 100 yards, at the most convenient places for extinguishing Fires.

Any disagreement as to position or number of Plugs shall be settled by an Inspector (*def. p. 199*).

Access to Special Act, secs. 90, 91, p. 213; also—
P. H. Act, 1875: Duty of U. A. to provide Fire-plugs, sec. 66, p. 187.

39. Und. to repair Fire-plugs, and deposit Keys thereof at Fire Station, etc.

The Und. shall—

- (a) renew and maintain all Fire-plugs;
- (b) deposit the Key of every Plug at each public Fire Station, and at such other places as the L. A. may determine;
- (c) put up a conspicuous Public Notice (which may be put on any House or Building) showing the situation of each Plug.

Position of
Fire-plugs
to be indi-
cated.

40. Cost of Fire-plugs, etc.

The cost of providing, fixing, and maintaining such Fire-plugs, and of providing Keys, shall be defrayed by the L. A.

41. Fire-plugs to be placed near Manufactories, on request.

The Und. shall, at the request and expense of the Owner or Occupier of any Works or Manufactory situated in any Street (*def. sec. 3*) in which the Und. Pipes are laid, fix and maintain a Fire-plug (to be used only for extinguishing Fires) as near thereto as conveniently may be.

P. H. Act, 1875: Duty of U. A. to provide Fire-plugs, sec. 66, p. 187.

42. Pipes to be kept charged, and Water taken to extinguish Fires without Charge.

The Und. shall keep all Pipes to which Fire-plugs shall be fixed charged with Water, under such pressure as aforesaid (*sec. 35*), unless prevented by Frost, unusual Drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all Persons to use the Water for extinguishing Fire, without charge. Sec. 42.
Frost, etc.

P. H. A., 1875: U. A. to provide necessary Machinery, Assistance, and Water for extinguishing Fires, *sec. 66*, p. 187.

43. Penalty for Refusal to fix, etc., Fire-plugs, or for Failure of Water Supply.

Penalty £10 (except as aforesaid (*see previous Section*) for neglecting or refusing to—

- (a) fix and maintain such Fire-plugs (*secs. 38–41*);
- (b) furnish a sufficient Supply for Public Purposes upon the agreed terms (*sec. 37*);
- (c) keep their Pipes charged under the specified Pressure (*secs. 35, (a) and 42*);
- (d) furnish any Owner or Occupier entitled to a Supply, with such Supply, during any part of the time the Rates have been paid or tendered;

and shall forfeit to the L. A. and to every person having paid or tendered the Rate, 40s. for every day the want of supply continues after Written Notice thereof.

Rec. of Penalties, *sec. 85*, p. 213. Access to the Special Acts, *secs. 90, 91*, p. 213.

COMMUNICATION PIPES TO BE LAID BY THE UNDERTAKERS (Secs. 44–47).*

(Incorporated * with the P. H. Act, 1875, *sec. 57*, p. 183.)

†44. Und. to lay Communication Pipes in Houses of Limited Value.

On request of the Owner, or of the Occupier with such

* As to Construction of Incorporated Acts, see P. H. Act, 1875, *sec. 316*, p. 86.

† Where the L. A. are the Undertakers, see Amendment of this Section by *sec. 57* (sub-secs. 1, 2, 3), P. H. Act, 1875, p. 183.

Sec. 44.
Owners
may
request
Supply.

Owner's written consent, of any Dwelling-house (of annual value not exceeding £10) in any Street (*def. sec. 3*) in which the Und. Pipes are laid, and upon payment or tender of one quarter's Water Rate (*sec. 70*), the Und. shall—

(a) lay down and keep in repair Communication Pipes and other necessary works;

(b) supply sufficient Water for Domestic Purposes (*def. sec. 12, p. 217*);

Rec. of
Water
Rent.

Charging for such Pipes and Works (in addition to the Water Rate) an agreed annual Rent, or otherwise as settled by an Inspector (*def. sec. 2*); which Rent shall be recoverable from the Occupier or, in his default, from the Owner in the same manner as Water Rates.

Such Pipes, etc., shall not be subject to distress.

As to Rec. of Rates where the Undertakers are—

(a) A Water Co. or the L. A., see Waterworks Clauses Act, 1847, secs. 68–74, p. 212. Waterworks Clauses Act, 1863, sec. 21, p. 219.

(b) A L. A., see P. H. Act, 1875, sec. 56, p. 182, and sec. 256, p. 73; also—P. H. (Water) Act, 1878: Power of Ratepayers to request L. A. to charge Water Rates, sec. 10, p. 196.

45. Penalty £5 for neglecting for 7 days to lay down such Communication Pipes, etc., and 40s. *daily*.

Rec. of Penalties (a) [by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

46. Undertakers may remove Pipes and recover Expenses on Certain Conditions.

If the Occupier of the House wherein such Communication Pipes, etc., have been laid, refuse to pay for a Supply, or if such House be unoccupied for 12 months, the Und. may demand from the Owner payment of the cost of such Pipes, etc., and failing payment after 10 days' Notice may enter and remove the same, and the balance of such cost (after deducting value of Pipes, etc.) with all arrears of Rents, shall be recovered (with costs) from the Owner or Occupier in the same manner as Water Rates.

Provided that—

(a) the sum recovered from the Occupier shall not exceed the amount of Rent owing, unless he refuse to discover the same;

- (b) Such Occupier may deduct from the Rent the sum Sec. 46. recovered or paid on demand.

Rec. of Rates where the Undertakers are—

- (a) A Water Co. or L. A., see Waterworks Clauses Act, 1847, secs. 68-74, p. 212. Waterworks Clauses Act, 1863, sec. 21, p. 219.
 (b) A L. A., see P. H. Act, 1875, sec. 56, p. 182, and sec. 256, p. 73.

47. Owner may purchase the Pipes.

The Owner may at any time purchase such Pipes, etc., by paying to the Und. the cost of the same and all Rent owing to that time.

COMMUNICATION PIPES TO BE LAID BY THE INHABITANTS (Secs. 48-53).

(Incorporated * with the P. H. Act, 1875, Sec. 57, p. 183.)

48. Power of Owner or Occupier to lay Service Pipes on giving Notice.

Any Owner or Occupier of a Dwelling-house (or part thereof) desiring a Supply, and having paid or tendered one quarter's Water Rate (*sec. 70*), may, after 14 days' Notice, open the ground (with the consent of the Owners and Occupiers thereof) between the Und. Pipes and his Premises, and lay Pipes of such strength and materials as shall be approved by such Und., or, in case of dispute, as settled by an Inspector (*def. sec. 2*).

Power of Owner or Occupier to break up Streets, sec. 52, p. 208; Power to demand Supply, sec. 53; also—

Where the L. A. are the Undertakers, see P. H. Act, 1875. As to Settlement of Disputes, sec. 57 (2), p. 183.

49. Notice to be given before connecting with Und. Pipes.

Two days' Notice shall be given of the day and hour when it is intended to connect with the Und. Pipes; such Connection to be made under the superintendence and direction of their Officer (unless he fails to attend), or, in case of dispute as settled by an Inspector (*def. sec. 2*).

Where the L. A. are the Undertakers, see P. H. Act, 1875, as to Settlement of Disputes, sec. 57 (2), p. 183.

* As to construction of Incorporated Acts, see P. H. Act, 1875, sec. 316, p. 86.

50. Bore of Service Pipes.

The bore of any Service Pipe shall not exceed half an inch, except by consent of the Und.

51. Service Pipes may be removed on giving Notice.

Any Person who has laid down any Pipes or other Works, or become the Proprietor thereof, may remove the same after giving 6 days' Written Notice as to the time of such removal; compensating the Und. for any damage to their Pipes or Works.

Penalty £5 for removal without Notice; together with the amount of any damage to the Pipes or Works.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

52. Power of Owner or Occupier to break up Streets and Sewers on giving Notice.

Any Owner or Occupier may, for any such purpose as aforesaid (*see previous secs. 48-51*) open up the Street (*def. sec. 3*) and any Sewer or Drain therein, situate between his Premises and the Und. Pipes; doing as little damage (and compensating therefore) as possible.

Such Person to be subject to the same Control, Obligations, and Penalties, as provided with respect to breaking up Streets, etc., by the Und.

Breaking-up of Streets, etc., secs. 30-34, p. 200.

53. Owners and Occupiers entitled to demand a Supply of Water.

Any Owner or Occupier of a Dwelling-house (or part thereof), who has laid the Communication Pipes and paid or tendered one quarter's Water Rate (*sec. 70*), shall be entitled to demand and receive a sufficient supply of Water for his Domestic Purposes (*def. sec. 12, p. 217*).

WASTE OR MISUSE OF WATER (Secs. 54-60).*

(Incorporated † with the P. H. Act, 1875, Sec. 57, p. 183.)

54. Cisterns to be provided when Supply not constant.

* See also Waterworks Clauses Act, 1863, secs. 16-20, p. 218.

† As to Construction of Incorporated Acts, see P. H. Act, 1875, sec. 316, p. 86.

When the Water is not constantly laid on under Pressure, Sec. 54.
any Person supplied shall, when required by the Und.—

(a) provide a proper Cistern with Ball and Stop-cock.

(b) keep the same in repair so as to effectually prevent waste.

In default whereof the Supply may be cut off until such ^{Supply cut off.}
requirements have been fulfilled.

Waterworks Clauses Act, 1863: Power to cut off Water, sec. 16, p. 218.

P. H. Act, 1875: Vesting of public Cisterns in L. A., sec. 64, p. 186.

55. Repealed by Sec. 17 of the “Waterworks Clauses Act, 1863” (p. 218).

56. Undertakers may repair Cisterns, etc.

The Und. may repair any such Cistern, Pipe, Ball, or Stop-cock, so as to prevent waste, recovering the expense of so doing as damages.

Rec. of Damages, sec. 85, p. 213; also—

Waterworks Clauses Act, 1863: Waste of Water by non-repair of pipes, sec. 17, p. 218.

57. Power to enter Houses.

Any authorized Officer may, between 9 a.m. and 4 p.m., enter any House or Premises to examine if there be waste or Misuse. If prevented the Supply may be turned off.

^{Supply cut off.}

P. H. Act, 1875: Power of L. A. to inspect Meters provided by them, sec. 58, p. 184.

58. Penalty for supplying another Person with Water.

Penalty £5 on the Owner or Occupier of any Tenement for supplying another Person with, or permitting him to take, Water therefrom, unless—

(a) for the purpose of extinguishing Fire;

(b) such Person be supplied by the Und., and his Pipes, ^{Exemptions.}
without his default, are out of repair.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A. sec. 316, p. 86.

59. Repealed by Sec. 20 “Waterworks Clauses Act, 1863” (p. 219).

60. Penalty for Damaging Valves, etc.*Penalty* £5 for—

- (a) wilfully or carelessly damaging or opening any Lock
Cock, Valve, Pipe, Work, or Engine, belonging to
the Und. ;
- Reservoirs. (b) flushing or drawing off Water from the Reservoirs
or other Works ;
- (c) doing any other wilful act whereby Water is wasted.

Rec. of Penalties by Water Co., sec. 85, p. 213; also—
P. H. Act, 1875: Penalty for injuring Meters, etc., sec. 60, p. 184. Rec. of
penalties by L. A., sec. 316, p. 86.

FOULING OF WATER (Secs. 61–67).

(Incorporated * with the P. H. Act, 1875, Sec. 57, p. 183.)

61. Penalty for fouling the Water of the Und.*Penalty* £5 for—

- (a) bathing in any Stream, Reservoir, Aqueduct or other
Waterworks of the Und, or washing or causing
any Animal to enter therein ;
- (b) throwing into any such Stream, etc., any Rubbish,
Dirt, Filth, or other noisome thing, or washing
therein any Cloth, Wool, Leather, Skin of any
Animal, Clothing or other thing ;
- (c) causing the water from any Sink, Sewer, or Drain,
Steam Engine, Boiler, or other filthy water to enter
into any such Stream, etc., or doing any other Act
whereby the Water therein is fouled.

A further *Daily Penalty* of £1 for offences under sub-
sec. (c).

Fouling Water by Gas Washings, etc, secs. 62–67, p. 211.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec.
316, p. 86; also—

Waterworks Clauses Act, 1863, sec. 16, p. 218, } Provisions as to Protection
P. H. Act, 1875, secs. 68–70, p. 187, } of Water.
P. H. Act Amendt. Act, 1890: Penalty for throwing Cinders, Filth, etc.,
into Streams, sec. 47, p. 118.

Rivers Poll. Prev. Act, 1876: As to putting Solid Matters, Sewage, of
Factory or Mining Pollutions into Streams, secs. 2–5, p. 131. Pollution
of Streams from without District, sec. 8, p. 135.

* As to construction of Incorporated Acts, see P. H. Act, 1875, sec. 316,
p. 86.

62. Penalty for fouling Water by Gas Washings, etc. } The provisions of these Sections are embodied in and extended by those of Sec. 68, P. H. A., 1875 (*p.* 187).

63. Daily Penalty for continuance of offence.

64. Penalty on Gas Makers fouling Water.

Penalty £20 on any Person* making or supplying Gas within the District, who fouls the Water of the Und., and £10 *Daily* after 24 hours' Notice of such offence.

- Rec. of Penalty (*a*) by Water Co., sec. 85, p. 213; (*b*) by L. A., sec. 316, p. 86.

65. Power to examine Gas Pipes to ascertain cause of Fouling.

The Und., in order to ascertain whether such Water be fouled by Gas, may, after the expiration of 24 hours' Written Notice to the Gas and Street Authorities, of the proposed time of examination, open the ground and examine the Pipes, Conduits, and Works of the Gas Authority; being subject to the same Control, Obligations, and Penalties, as provided with respect to breaking up Streets, etc., for laying Pipes.

Breaking-up of Streets, secs. 30-34, p. 200. Expenses, secs. 66, 67, *post*.

66. Expenses to abide the result of Examination (*sec.* 65).

If, upon examination, it appears that such Water has been fouled, the Expenses of the digging, examination, and repair of the Street or Place shall be paid by the Gas Authority; but if otherwise, then by the Und., who shall also make good any injury done to the Gas Authority's Works by such examination.

Rec. of Damage, sec. 85, p. 213.

67. Expenses how to be ascertained (*secs.* 65-66).

The Expense of any such examination, repair, or injury, together with the costs of ascertaining and recovering the same shall, in case of dispute, be recovered as Damages.

* Hereafter referred to as the Gas Authority.

PAYMENT AND RECOVERY OF WATER RATES
(Secs. 68-74).

(Incorporated * with the P. H. Act, 1875, Sec. 57, p. 183.)

68. Assessment of Rate.

Water Rates shall be payable by the Person requiring, receiving, or using the Supply, assessed on the Annual Value of the Premises; such Value, in case of dispute, to be determined by two Justices.

Rec. of Water Rate where the Undertakers are—

(a) A Water Co. or L. A., see Waterworks Clauses Act, 1847, secs. 68-74, p. 212. Waterworks Clauses Act, 1863, sec. 21, p. 219.

(b) A L. A., see P. H. Act, 1875, sec. 56, p. 182, and sec. 256, p. 73; also—P. H. (Water) A., 1876: Power of Ratepayers to request L. A. to charge Water Rates, sec. 10, p. 196.

69. Where several Houses supplied by one Pipe, each to pay.

Where several Houses, or parts thereof in separate occupation are supplied by one common Pipe, the several Owners and Occupiers shall pay the same Rates as if each supplied by a separate Pipe.

70. Rates to be paid Quarterly in Advance.

The Rates shall be paid Quarterly in advance, the first payment being made at the time when the Supply is laid on, or when the Agreement to take Water is made.

71. Discontinuing Use of Water, to pay to next Quarter Day.

When Notice is given by the Occupier of intention to discontinue the use of the Supply, or, in case of removal between two Quarterly Days, the Rate shall be paid up to the Quarter Day following such Notice or removal.

72. Owners of Houses not exceeding £10 Rent liable to Water Rates.

The Water Rates of Houses, or parts thereof occupied as separate Tenements (the Annual Value of which Houses or Tenements does not exceed £10), shall be paid by the

* As to construction of Incorporated Act, see P. H. Act, 1875, sec. 316, p. 86.

Owners thereof instead of the Occupier; and the Person Sec. 72. receiving the Rents, on his own account or as agent, shall be deemed the Owner.

73. Tenants under Leases made prior to the passing of the Special Act, to repay Owner the amount of Water Rate, unless otherwise agreed.

74. Recovery of Rates.

On default of payment of the Water Rate the Supply may be cut off, and the amount due recovered—

(a) if less than £20, as Damages (sec. 85).

(b) if £20, or upwards, in any Court of competent jurisdiction,

together with the expense of cutting off the Supply and costs of Recovery.

See References to sec. 68, *ante*.

* The following Sections are not incorporated with the P. H. Act, 1875, and do not relate to the Supply of Water by a L. A.

* 75–84. AMOUNT OF PROFIT.

* 85–89. RECOVERY OF DAMAGES, PENALTIES, ETC.

* 90–94. ACCESS TO THE SPECIAL ACT.

The provisions of these Sections are identical with those of the Gasworks Clauses Act, 1847 (*secs.* 30–49, *p.* 229).

WATERWORKS CLAUSES ACT, 1863.

(26 & 27 VICT., CAP. 93.)

ARRANGEMENT OF SECTIONS.

SECTIONS

2. Application of Act, Definitions, etc.

SECURITY OF RESERVOIRS (Secs. 3-11).

SUPPLY OF WATER (Secs. 12-15).

12. Supply other than for Domestic Purposes.

13. Failure of Supply other than for Domestic Purposes.

14. Power to let Meters.

15. Power to ascertain consumption, or to remove Meters.

WASTE OR MISUSE OF WATER (Secs. 16-20).

RECOVERY OF RATES (Sec. 21).

WATERWORKS CLAUSES ACT, 1863.

(26 & 27 VICT., CAP. 93.)

NOTE.—See sec. 2 as to application of Act.

(Incorporated * with P. H. Act, 1875, Sec. 57, p. 183.)

2. Application of Act, and Definitions.

- (a) This Act shall apply to any Waterworks authorized by any Special Act incorporating this Act.
- (b) The terms used in this Act to have the same meanings as in the “Waterworks Clauses Act, 1847” (p. 199).
- (c) The provisions of the “Waterworks Clauses Act, 1847,” respecting the Recovery of Penalties shall be incorporated with this Act (p. 213).

SECURITY OF RESERVOIRS (Secs. 3–11).

3. Power of Court to inquire as to Safety of Reservoir.

When any Person interested complains to 2 Justices that any Reservoir is in a dangerous state, they shall forthwith make inquiry into the truth thereof; or may, on view, and without complaint, themselves proceed as if a complaint had been made.

P. H. Act, 1875 : Construction of Reservoirs, sec. 53, p. 181.

4. Order for Immediate Repair (*sec. 3*).

If, on inquiry, the Justices are satisfied that the com-

* As to construction of Incorporated Acts, see P. H. Act, 1875, sec. 316, p. 86.

Sec. 4. complaint is well founded, and that the danger is *so imminent as not to admit of delay*, they shall order such Person as they think fit, to lower the Water, and to execute and do all such Works and things as they think requisite and proper.

5. Order on Und. to Repair (sec. 3).

If on inquiry, the Justices are satisfied that there is good cause of complaint, but that the danger is not so imminent as *not to admit of delay*, they shall summon the Und. to answer the complaint. After hearing the parties, the Justices may (or upon default of appearance by the Und. shall) order the Und. within a specified period, to lower the Water and to execute and do all Works and things as they think requisite and proper.

On failure to carry out such Order, the Justices may either instruct some Person to execute the Works, or may impose a *Daily Penalty of £10*.

6. Form of Justices' Order.

7. Persons acting under such Order (secs. 4–6, ante) not Trespassers.

Penalty £50 for—

- (a) obstructing any Person legally executing such Order;
- (b) doing, or suffering to be done, anything in contravention of such Order.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

8. Order for Payment of Cost and Expenses (secs. 4, 5).

The Justices may order the Und. to pay all, or part of, the Costs of obtaining such Order (secs. 4, 5), also to pay to any Person appointed all, or part of, the expenses of executing the Works; or if the Justices think there is not sufficient ground for the complaint, they may order the Complainant to pay all, or part of, the Und. Costs.

9. Und., if aggrieved, may appeal to Court of Quarter Sessions.

10. Und. not responsible for Consequences of Order.

The Und. shall not be liable for any diminution or cessa- Sec. 10.
tion of the Supply, or any other breach of their duties,
liabilities, or obligations, occurring through the execution
of such Order.

Where the Undertakers are—

- (a) A Water Co., see Waterworks Clauses Act, 1847, p. 197: Constant Supply to be kept for Domestic purposes at high pressure, sec. 35. Supply for cleansing Sewers, Drains, etc., sec. 37. Supply for extinguishing Fires, sec. 42. Access to Special Act, secs. 90, 91.
- (b) A L. A., see P. H. Act, 1875: As to supply of Water, sec. 55, p. 182. Gratuitous Supply of Water, sec. 64, p. 186. Water for Public Baths, Trading Purposes, etc., sec. 65, p. 186. Supply for extinguishing Fires, sec. 66, p. 187.
- (c) A Water Co. or the L. A., see Waterworks Clauses Act, 1863: As to Supply other than for Domestic Purposes, secs. 12, 13, p. 217.

11. Provisions as to Scotland.

SUPPLY OF WATER (Secs. 12–15).

12. Supply other than for Domestic Purposes.

A Supply for Domestic Purposes shall not include that
for—

- (a) Horses or washing carriages, if kept for sale or hire, or Carriages.
by a Common Carrier, or for Cattle;
- (b) Trade, Manufacture, or Business; Trade.
- (c) Watering Gardens, Fountains, or Ornamental Purposes. Gardens,
etc.

See References to sec. 10, *ante*.

13. Failure of Supply other than for Domestic Purposes.

The Und. shall not be liable to any Penalty or Damages
(in the absence of express stipulation) under any Agree-
ment, for non-supply for other than Domestic Purposes, if
occasioned by Frost, unusual Drought, or other unavoid- Frost,
able cause or accident. Drought,
etc.

See sec. 12, also References to sec. 10, *ante*.

14. Power to let Meters.

Where the Und. supply by Measure, they may let for
hire Meters, Pipes, and Apparatus for conveyance, recep-
tion, or storage of Water upon agreed remuneration, re-

Sec. 14. coverable in the same manner as Water Rates. Such Meters and Apparatus not to be subject to distraint.

P. H. Act, 1875: Power of L. A. to supply Water by Measure, sec. 58, p. 183.

15. Power to ascertain Consumption, or to remove Meters, etc.

The Und. may enter any Premises between 10 a.m. and 4 p.m., or at any other time by consent of a Justice, to—

- (a) inspect or remove such Meters, Pipes and Apparatus;
- (b) ascertain the consumption of Water.

Penalty £5 for preventing such inspection, removal, etc.

P. H. Act, 1875: L. A. to have access to Meters, sec. 58, p. 183. Rec. of Penalties by L. A., sec. 316, p. 86.

Waterworks Clauses Act, 1847. Rec. of Penalties by Undertakers, sec. 85, p. 213.

WASTE OR MISUSE OF WATER (Secs. 16–20).

(Also secs. 54–60, “Waterworks Clauses Act, 1847,” p. 208).

16. Power to cut off Water in Certain Cases.

If any Person wrongfully does, or fails to do, or causes or permits to be done, anything which he is by Act under obligation to do to prevent Waste, Misuse, undue Consumption or Contamination, the Und. may (without prejudice to any other remedy) cut off the Supply so long as the cause of injury remains.

17. Penalty for Waste by non-repair of Pipes, etc.

Penalty £5 for permitting any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Water-closet, or other Apparatus or Receptacle to be out of repair, or to be so used or contrived that the Water is, or is likely to be, wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air, or other noisome or impure matter into any Pipe belonging to, or connected with that of the Und.

Fouling
Water.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

18. Penalty for using Water Contrary to Agreement.

Penalty 40s. (without prejudice to the right to recover the value of the Water misused) on any Person who—

- (a) having a Supply for Domestic Purposes only, uses it for other than Domestic Purposes (*def. sec. 12, p. 217*).
- (b) having a Supply other than for Domestic Purposes, uses it for any purposes other than those for which he is entitled.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

19. Penalty for Extension or Alteration of Pipes.

Penalty £5 (without prejudice to the right of the Und. to recover damages for any injury to their property, or the value of any Water wasted, misused, or unduly consumed) on any Person who without the consent of the Und. affixes any Pipe or Apparatus to (or alters) any of the Und. Pipes, or any Communication or Service Pipe connected therewith.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86. Penalty for injuring Meters, sec. 60, p. 184.

20. Penalty for Use of Water without Agreement.

Penalty £5 for wrongfully taking or using Water from—

- (a) any of the Und. Reservoirs, Watercourses, Conduits, or Pipes, or from any Pipe leading thereto or therefrom,
- (b) any Cistern or other like place containing Water belonging to the Und., or supplied by them for the use of any Consumer.

Rec. of Penalties (a) by Water Co., sec. 85, p. 213; (b) by L. A., sec. 316, p. 86.

RECOVERY OF RATES.

21. Recovery of Rates.

Any Rate or Sum due to the Und. under the Special Act may be recovered with Costs in any Court of competent Jurisdiction.

Rec. of Rates where the Undertakers are—

(a) A Water Co. or L. A., see Waterworks Clauses Act, 1847, secs. 68-74, p. 212. Waterworks Clauses Act, 1863, sec. 21, p. 219.

(b) A L. A., see P. H. Act, 1875, sec. 56, p. 182, and sec. 256, p. 73; also—P. H. (Water) Act, 1878: Powers of Ratepayers to require L. A. to charge Water Rates, sec. 10, p. 196.

GAS SUPPLY.

| | PAGE |
|---------------------------------|------|
| GASWORKS CLAUSES ACT, 1847 | 223 |
| Do. Do. 1871 | 232 |
| WATCHING AND LIGHTING ACT, 1833 | 245 |

GASWORKS CLAUSES ACT, 1847.

(10 VICT., CAP. 15.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Extent of Act.
2. Interpretations in this Act.
3. Interpretations in this and the Special Act.
4. Short Title.
5. Form in which portions of this Act may be incorporated in other Acts.

BREAKING-UP OF STREETS, ETC., FOR THE PURPOSE OF LAYING PIPES.

6. Power to break up Streets, etc., under Superintendence, and to open Drains.
7. Not to enter on Private Land without consent.
8. Notice to be given before breaking up Streets or Drains.
9. Streets or Drains not to be broken up except under Superintendence.
10. Streets or Drains broken up to be reinstated without delay.
11. Penalty for Offences under Secs. 8-10.
12. In case of delay, Authorities may reinstate and recover Expenses.

SUPPLY OF GAS.

13. Power to Contract for Lighting Streets, etc.
14. Power of Undertakers to let Meters.
15. Undertakers may enter Buildings for ascertaining quantity of Gas consumed.
16. Recovery of Rents due for Gas.
17. Power to take away Pipes, etc., when supply of Gas discontinued.

WASTE OR MISUSE OF GAS, OR INJURY TO PIPES OR OTHER WORKS (Secs. 18-20).

FOULING WATER, OR OTHER NUISANCE FROM GAS (Secs. 21-29).

AMOUNT OF PROFIT TO BE RECEIVED BY THE UNDERTAKERS; also as to RESERVED FUND (Secs. 30-39).

RECOVERY OF DAMAGES AND PENALTIES (Secs. 40-44).

ACCESS TO THE SPECIAL ACT (Secs. 45-50).

GASWORKS CLAUSES ACT, 1847.

(10 VICT., CAP. 15.)

1. This Act shall extend only to Gasworks authorized by any Special Act (*def. sec. 2*), declaring this Act incorporated therewith. * *

2, 3. Definitions.

| Expression. | Definition. |
|-----------------|--|
| "Special Act " | Any Act hereafter passed authorizing the construction of Gasworks, and incorporated with this Act. |
| "Undertaking " | The Gasworks and the Works connected therewith. |
| "Undertakers " | The Persons authorized to construct the Gasworks. |
| "Person " . | Includes a Corporation, whether aggregate or sole. . |
| "Lands " . | Includes Messuages, Lands, Tenements, and Hereditaments or Heritages of any Tenure. |
| "Street " . | Includes any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or Public Passage, or Place within the limits of the Special Act. |
| "Gas Rate " . | Includes any Rent, Reward, or Payment to be made to the Undertakers for a supply of Gas. |
| "The Gasworks " | The Gasworks and the Works connected therewith by the Special Act authorized to be constructed. |

*

*

*

*

*

*

Abbreviation : "Und." for Undertakers.

* BREAKING-UP OF STREETS, DRAINS, ETC. (Secs. 6-12).

6. Power to break up Streets, Drains, etc., under Superintendence.

* These Sections, which are practically identical with those of the "Waterworks Clauses Act, 1847," secs. 28-34, p. 200, are incorporated with the Electric Lighting Acts, sec. 12, p. 260.

Und. may (*under superintendence, sec. 9*) within the limits Sec. 6. of the Special Act—

- (a) open up the Soil and Pavement of the Streets (*def. sec. 3*) and Bridges, and any Sewer, Drain or Tunnel within or under the same;
 - (b) lay down, repair, alter, or remove Pipes, Conduits, Lay pipes. Service Pipes, and other works;
 - (c) construct Sewers for carrying off the washings and waste liquids arising from the manufacture of Gas; Construct Sewers.
 - (d) erect Pillars, Lamps, and other Works, in such Streets; Lamp-posts.
 - (e) do all other Acts necessary for supplying Gas; Gas Supply.
- doing as little damage (and compensating therefore) as possible.

P. H. Act, 1875, sec. 153, p. 46,
 Electric Lighting Act, 1882, secs. 12, 15, p. 260,
 Waterworks Clauses Act, 1847, secs. 28–34, p. 200,
 Tramways Act, 1870, secs. 26, 30–33, p. 422,

} Power of Authorities, Companies, etc., to break up Streets, alter position of Gas Pipes, etc.

7. Not to enter on Private Land without Consent.

Und. not to place any Pipe or other Works in or against any Building, or on any Land (*def. sec. 3*) not dedicated to public use, without the consent of the Owners and Occupiers thereof; except that Pipes already lawfully so laid may be repaired, altered, or replaced by new Pipes. Existing Pipes.

8. Notice to be given before breaking up Streets or Drains.

Three days' Written Notice shall be given the respective Authorities before commencing to open up any Street, Bridge, Sewer, Drain, or Tunnel (except in cases of emergency), arising from defects in the Pipes or other Works, and then as soon as possible. Emergency.

Penalty, sec. 11, post. Restoration, sec. 10, 12).

9. Streets or Drains not to be broken up (*secs. 6, 8, ante*) except under Superintendence.

Except in cases of emergency (*see previous sec.*), no Street, Bridge, Sewer, Drain or Tunnel, shall be opened up except under the superintendence of the respective Authorities, and in accordance with an approved Plan, or in case of

Sec. 9. disagreement, according to a Plan determined by two Justices; and such Justices may, on the application of the Sewer Authority, require the construction of temporary or other Works for guarding against any interruption of the Drainage. (*Penalty, sec. 11.*)

Interrup-
tion of
Drainage.

Where
supervision
withheld.

Provided that, if such Authorities after receiving Notice (*sec. 30, post*), fail to attend at the time fixed, or to propose any Plan, or refuse, or neglect to superintend the operation, the Und. may perform the Work specified in the Notice without such supervision.

10. Streets or Drains broken up to be reinstated without Delay.

The Und. shall—

(a) with all convenient speed complete the Work, fill in the ground, make good the Road, Pavement, Sewer, Drain or Tunnel opened up, and remove surplus materials;

Fencing,
Lighting.

(b) fence and guard, and light during the night;

Mainte-
nance.

(c) keep the Road and Pavement in good repair for 3 months after reinstatement, and repair any subsidence occurring within a further period of 9 months.

Penalty, sec. 11. A. may reinstate sec. 12.

11. *Penalty* £5 for offences against secs. 8, 9, or 10; and a further *Penalty of* £5 *daily* for unnecessary delay (*sec. 10, a*) after Notice.

Recovery of Penalties, sec. 40, p. 230.

12. In Case of Delay, Authorities may reinstate and recover Expenses.

Should delay or omission (*secs. 9, 10*) take place, the respective Authorities of such Street, Bridge, Sewer, Drain, or Tunnel may execute the Work, recovering the Expenses from the Und. as Damages.

Recovery of Damages, sec. 40, p. 230.

SUPPLY OF GAS (Secs. 13–17).

13. Power to Contract for Lighting Streets, etc. (*see also P. H. Act, 1875, sec. 161, p. 50*).

The Und. may—

- (a) Contract for Lighting or supplying Gas to Public or Private Buildings, or for providing and repairing Pipes, Burners, Meters, and Lamps;
- (b) Contract with the Street Authority for Lighting Streets (*def. sec. 3*), and for providing and repairing Lamps, Lamp-posts, Burners, and Pipes in such manner ^{Lamp-posts.} and upon such terms as may be agreed upon.

Gasworks Clauses Act, 1871, p. 232: Supply of Gas to Owners and Occupiers, sec. 11. Supply to Public Lamps, secs. 24–27. Quality of Gas, sec. 12. Testing of Gas, secs. 28–34.

*14. Power of Und. to let Meters.

Gasworks Clauses Act, 1871: Meters, secs. 13–23, p. 237.

*15. Und. may enter Buildings to ascertain Consumption.

Gasworks Clauses Act, 1871: Meters, sec. 13–23, p. 237.

16. On neglect to pay for Supply, Gas may be cut off.

Gasworks Clauses Act, 1871: Rec. of Gas Rents, secs. 39–41, p. 243.

*17. Power to take away Pipes, etc., when Supply of Gas discontinued.

Gasworks Clauses Act, 1871: Power of Undertakers to remove their Meters and Fittings on discontinuance of Supply, secs. 22, p. 239.

† WASTE OR MISUSE OF GAS (Secs. 18–20).

18. Penalty for fraudulently using Gas, etc.

Penalty £5 and 40s. Daily (and the Gas may be cut off) for—

- (a) connecting to the Und. Pipes without their consent;

* Secs. 14, 15, 16 (part only), and 17 are repealed, except in so far as incorporated with Special Acts to which the Gasworks Clauses Act, 1871, does not apply.

† Incorporated (except the italics, sec. 18 c) with the Electric Lighting Acts (sec. 12, p. 260).

Sec. 18.

Burners,
etc.

- (b) fraudulently using any Meter ;
- (c) *using any Burner not provided or approved by the Und.*, or of larger dimensions, or burning the Gas longer, than contracted for, where consumption not ascertained by Meter.
- (d) improperly using or supplying Gas to any other Person.

Gasworks Clauses Act, 1871, p. 232: Meters, secs. 13-23. Injuring Meters and fraudulently consuming Gas, sec. 38.

19. Penalty for wilfully damaging Lamps, Pipes, etc.

Penalty £5 (and the cost of the damage done) for—

- (a) wilfully removing, destroying, or damaging any Pipe, Pillar, Post, Plug, Lamp, or other Work ;
- (b) wilfully extinguishing Public Lamps or Lights ;
- (c) wasting or improperly using Gas.

Waste of
Gas.

20. Satisfaction for accidentally damaging Pipes, etc.

A sum (determined by two Justices), not exceeding £5, shall be paid by any Person who carelessly or accidentally damages any Pipe, Pillar, or Lamp.

FOULING WATER OR OTHER NUISANCE FROM GAS (Secs. 21-29).

21. Penalty for fouling Water
by Gas Washings, etc.

22. Penalty to be sued for
within 6 months.

23. Daily Penalty during con-
tinuance of Offence.

The provisions of these Sections are embodied in and extended by those of sec. 68, P. H. A., 1875 (p. 187).

24. Penalty during escape of Gas after Notice.

Daily Penalty £5 on the Und. neglecting to stop the escape of Gas from any of their Pipes within 24 hours of the receipt of Written Notice thereof.

- | | |
|--|--|
| 25. Penalty on Gas Makers fouling Water. | } See "Water-works Clauses Act, 1847," secs. 64-67 (p. 211). |
| 26. Power to examine Gas Pipes, to ascertain cause of fouling. | |
| 27. Expenses to abide the result of Examination. | |
| 28. Expenses, how to be ascertained. | |

29. Nothing to exempt Und. from being indicted for a Nuisance. Nuisance (*see also the Gasworks Clauses Act, 1871, sec. 9, p. 235*).

PROFITS OF UNDERTAKERS (Secs. 30-39).

30. Profits of the Company to be limited.
31. If Profits exceed the Amount limited, excess to be invested, and form a Reserved Fund.
32. Reserved Fund not to be resorted to unless to meet an extraordinary claim.
33. When Fund amounts to the Sum prescribed in the Special Act (*def. sec. 2*), Interest to be applied to purposes of the Undertaking (*Access to Special Act, secs. 45, 46*).
34. If the Profits of any year are less than the Rate prescribed in the Special Act, a Sum may be taken from the Reserved Fund to supply deficiency.
35. If Profits exceed the prescribed Amount, a rateable reduction to be made in the price of Gas.
36. Court may order Petitioner to pay costs of groundless Petition.
37. Penalty on Und. for refusing to produce Books, Vouchers, etc.

38. Annual Account to be made by Und., sent to the Clerk of the Peace, and to be open to inspection on payment of 1s. *Penalty for default*, £20.

Gasworks Clauses Act, 1871. Accounts, sec. 35, p. 241.

39. Tender of Amends.

RECOVERY OF DAMAGES, PENALTIES, ETC. (Secs. 40–44).

40. The “Railway Clauses Consolidation Act, 1845,” as to Damages, etc., to be incorporated with this and the Special Act.

41. *Repealed*.

42. All things required to be done by two Justices may, in certain cases, be done by one.

43. Metropolis.

44. Persons giving false evidence liable to Penalties of Perjury.

ACCESS TO THE SPECIAL ACT (Secs. 45, 46).

45. Copies of the Special Act to be kept by the Und. for Inspection.

Six months after the passing of the Special Act (*def. sec. 2*) a Copy shall be—

(a) kept at the Und. principal Office of Business ;

(b) deposited with the Clerk of the Peace.

All Persons interested therein being allowed to inspect and make extracts therefrom.

*

*

*

*

*

*

46. Penalty £20 and £5 daily on Und. for non-compliance.

Recovery of Penalties, sec. 40.

47. Und. not exempt from the Provisions of 57, G. 3, c. xxx., or from the Laws regulating Sewers.

48. Nothing in this or the Special Act to affect the rights of the Crown.

49. Und. not exempted from the Provisions of any future Act.

*

*

*

*

*

*

GASWORKS CLAUSES ACT, 1871.

(34 & 35 VICT., CAP. 41.)

ARRANGEMENT OF SECTIONS.

SECTION

1. Extent of Act.
2. Short Title.
3. Application of Acts.
4. Interpretation of Terms.

GENERAL PROVISIONS.

5. Prohibition against erecting Gasworks elsewhere than on Lands specified.
6. Undertakers may sell any superfluous Lands, etc.
7. Receipts of Guardians of minors, idiots, etc., to be sufficient discharge.
8. Mortgagees may enforce payment of Arrears by Appointment of Receiver.
9. Undertakers not exempted from indictment for Nuisance.
10. Power to take Easements, etc., by Agreement.

SUPPLY OF GAS TO OWNERS AND OCCUPIERS.

11. Undertakers to furnish sufficient Supply to Owners and Occupiers.
12. Quality of Gas.
13. Undertakers may require Consumers to use Meters.
14. Undertakers to Supply Meters.
15. Penalty for connecting or disconnecting Meters.
16. Security to be given by Consumer, where required.
17. Consumer to keep his Meter in proper order.
18. Power of Undertakers to let Meters.
19. Undertakers to keep Meters let by them in repair.
20. Register of Meter to be *primâ facie* evidence of Consumption.
21. Penalty for hindering Undertakers from inspecting Meters, etc.
22. Undertakers may move Meters on discontinuance of Supply, etc.
23. Recovery of Charges for Gas.

SUPPLY OF GAS TO LOCAL AUTHORITIES.

24. Supply and Price of Gas to Public Lamps.
25. Consumption of Gas supplied to the Public Lamps.
26. Governors for Street Lamps.
27. Settlement of Differences.

TESTING OF GAS.

SECTION

28. Testing-place to be provided.
29. Appointment and powers of Gas Examiner.
30. Two Justices may appoint Gas Examiner.
31. Undertakers may be represented at Tests.
32. Mode of Testing.
33. Report of Gas Examiner.
34. Access to Testing-place.

ACCOUNTS (Sec. 35).

PENALTIES.

36. Penalty for failure to Supply Gas.
37. Payment of Cost of Experiment by Gas Examiner appointed by Justices.
38. Penalty for Injuring Meters, etc., and fraudulently consuming Gas.

RECOVERY OF GAS RENTS (SECS. 39-41).

LEGAL PROCEEDINGS AND NOTICES (SECS. 42-46).

SCHEDULE A., p. 236.

SCHEDULES B—I. (*not given herein*).

GASWORKS CLAUSES ACT, 1871.

(34 & 35 VICT., CAP. 41.)

NOTE.—See sec. 3 as to application of Act.

1. The “Gasworks Clauses Act, 1847,” and this Act to be construed together; the provisions of this Act to repeal and supersede such provisions of the former Act as are inconsistent herewith.

* * * * *

3. Application of Act.

This Act shall apply to every Gas Undertaking authorized by any Special Act or Prov. Order made under the “Gas and Water Works Facilities Act, 1870,” save where expressly varied or excepted. Such Special Act and P. O. is included in the term “the Special Act.”

Gasworks Clauses Act, 1847 : Access to Special Act, secs. 45, 46, p. 230.

4. Definitions.

See Definitions of Gasworks Clauses Act, 1847 (p. 224), and Gas and Water Works Facilities Act, 1870 ; also—

“Premises” shall include house and building.

“Prescribed” shall mean prescribed by the Special Act.

* * * * *

GENERAL PROVISIONS (SECS. 5–10).

5. Prohibition against erecting Gasworks elsewhere than on Lands specified, or storing Gas except with consent.

Und. shall not manufacture Gas, or any residual products, except upon Lands described in the Special Act, and shall not store Gas elsewhere, without the written consent of the

owner, Lessee, and Occupier of every Dwelling-house Sec. 5.
within 300 yards of the limits of the proposed site.

Gasworks Clauses Act, 1847 : Access to Special Act, secs. 45, 46, p. 230.

6. Und. may sell any superfluous Lands, Works, Buildings,
etc., not required for the purpose of the Undertaking.

7. Receipts of guardians of minors, idiots, etc., to be
sufficient discharge.

8. Mortgagees may enforce payment of arrears by ap-
pointment of Receiver.

9. Und. not exempted from indictment for Nuisance (*see* Nuisance.
sec. 29, "*Gasworks Clauses Act*, 1847," p. 229).

10. Power to take Easements, etc., by Agreement.

SUPPLY OF GAS TO OWNERS AND OCCUPIERS (SECS. 11, 12.)

11. Und. to furnish Supply to Owners and Occupiers.

On the request of the Owner or Occupier of any Premises
situate within 25 yards from the Und. Mains (or other
distance prescribed *) the Und. shall give and continue a
supply of Gas of the prescribed * pressure, and shall furnish Pressure.
and lay any Pipe necessary for that purpose, subject to the
following conditions :—

The cost of so much of the Pipe as may be laid upon
such Premises, and for any distance exceeding 30 feet Supply
from the Und. Pipe, although not on such property, Pipes.
shall be defrayed by such Owner or Occupier.

Every Owner or Occupier requiring a Supply shall—

- (a) Serve a Notice upon the Und. at their Office, speci- Conditions
fying the Premises for which, and the day (within to be ob-
a reasonable period) when a Supply is required; served by
(b) If required, enter into a Written Contract to pay for a supply. Owner or
Occupier
requiring

* Viz. : Prescribed in the Special Act (*def. sec. 2, p. 224*).

Sec. 11.

a Supply for at least two years, of such a quantity that the rent for the same shall not be less than 20 per cent. per annum on the Und. outlay in providing any necessary Pipes; and

(c) If required, give security for payment for any Pipe and Gas to be supplied—

Under-takers may require security to be given.

Provided that—the Und. may, after having given a Supply, by Written Notice require the Owner or Occupier, within 7 days to give security for the payment of all moneys which may become due to them in respect of such Supply, should such Security not already have been given, or if it has become invalid or insufficient. On failure to comply with such Notice, the Und. may discontinue the Supply so long as such failure continues.

Quality of Gas, sec. 12. Meters, secs. 13–23. Testing of Gas, secs. 28–34. Penalty for failing to supply Gas as prescribed, sec. 36. Rec. of Gas Rents, secs. 39–41. Service of Notices, sec. 45; also—

Gasworks Clauses Act, 1847 : Access to Special Act, secs. 45, 46, p. 230.

12. Quality of Gas. (*Testing-place, sec. 28, p. 240.*)

(a) The Illuminating Power to equal that produced by the number of Sperm Candles (6 to the lb.) prescribed in the Special Act (*def. sec. 2, p. 224*).

(b) Not to exhibit any trace of Sulphuretted Hydrogen when tested, as described in Schedule A., Sub-sec. II. below.

Gasworks Clauses Act, 1847 : Access to Special Act, secs. 45, 46, p. 230.

SCHEDULE A.*

I. *Testing Apparatus.*

A. For Illuminating Power.

The Testing Apparatus shall consist of the improved form of Bunsen's Photometer, known as Letheby's open 60 in. Photometer, or Evans's enclosed 100 in. Photometer, together with a proper Meter, Minute Clock, Governor, Pressure-gauge, and Balance.

The Burner shall be as described in the Special Act (*def. sec. 2, p. 224*).

* To facilitate reference, Schedule A of this Act is inserted immediately after sec. 12.

The Candles shall be Sperm Candles of 6 to the lb., and used two together.

B. For Presence of Sulphuretted Hydrogen.

The Testing Apparatus shall consist of a Glass Vessel containing a strip of Bibulous Paper moistened with a solution of Acetate of Lead containing 60 grs. of crystallized Acetate of Lead dissolved in one fluid ounce of water.

II. Mode of Testing.

C. For Illuminating Power.

The Gas in the Photometer is to be lighted at least 15 minutes before the Testings begin, and kept continuously burning to the end hereof.

Each Testing shall include 10 observations of the Photometer made at intervals of one minute.

The consumption of Gas to be carefully adjusted to 5 cub. ft. per hour.

The Candles are to be lighted at least 10 minutes before beginning each Testing, so as to arrive at their normal rate of burning (which is shown when the wick is slightly bent and the top glowing) the Standard Rate of consumption of the Candles being 120 grs. each per hour. Before and after making each set of 10 observations of the Photometer, the Candles shall be weighed, and if the combustion has been more or less than 120 grs. each per hour, the requisite calculations shall be made to neutralize the effect.

The average of each set of 10 observations shall be taken as representing the Illuminating Power.

D. For Sulphuretted Hydrogen.

The Gas shall be passed through the Glass Vessel (B) for 3 minutes or such longer period as may be prescribed in the Special Act), and any discoloration of the Test Paper shall be held conclusive as to the presence of Sulphuretted Hydrogen.

METERS (Secs. 13-23).

13. Und. may require Consumers to use Meters.

Every Consumer shall, if required, use a Meter duly stamped under the authority of the "Act for regulating Measures used in Scales of Gas" (1859), where the same is in force, or, where not in force, a Meter supplied or approved by the Und.

Descrip-
tion of
Meter.

Provided that—the Und. shall not disapprove of any

Sec. 13. Meter which, when tested, is found to be correct within the meaning of the said Act.

14. Und. to supply Meters.

The Und. shall supply Meters to any Owner or Occupier requiring the same; security to be given, if required, for the price, if he desires to purchase, or of the rent, if he desires to hire such Meter.

15. *Penalty* 40s. for connecting or disconnecting Meters from any Pipe through which Gas is supplied, without 24 hours' Written Notice.

Penalty for injuring Meters, etc., sec. 38; also—
Gasworks Clauses Act, 1847: Rec. of Penalties, sec. 40, p. 230.

16. Security (*sec. 14*) may be by deposit or otherwise of agreed Amount, or as determined by two Justices.

17. Consumer to keep his Meter in Proper Order.

Access to
Meters.

Every Consumer shall keep any Meter belonging to him in proper order, in default whereof the Und. may cease the Supply. The Und. shall have access to and may remove, test, inspect, and replace such Meters at all reasonable times, the cost of so doing, if found in proper order, to be borne by them, but otherwise by the Consumer.

Penalty for injuring Meters, sec. 38, p. 242.

18. Power of Undertakers to let Meters.

The Und. may let any Meter and Fittings thereto for hire, for such remuneration (recoverable same as Gas Rents) and on agreed terms with respect to repair and for securing its safety and return.

Such Meters and Fittings not to be subject to distress.

* * * * *

Rec. of Gas Rents, secs. 39-41.

19. Und. to keep Meters let for Hire in Repair.

The Und. shall keep all Meters let for hire by them in proper order, in default whereof the Consumer shall not be liable for rent for the same so long as such default continues.

The Und. shall have access to, and may remove, test, inspect, and replace any such Meter at all reasonable times. Sec. 19.

20. Register of Gas Meters to be *primâ facie* evidence of consumption. (In case of dispute, to be settled by two Justices.)

21. *Penalty* £5 for hindering the Und. from entering any Buildings or Lands in order to inspect the Meters, Fittings and Works, and for ascertaining the quantity of Gas consumed.

Gasworks Clauses Act, 1847: Rec. of Penalty, sec. 40, p. 230.

22. Und., on giving 24 hours' Written Notice, may remove Meters and Fittings belonging to them, in cases where the Consumer ceases to require a Supply, or where they are authorized to cut off the Supply.

Power to cut off Supply, secs. 17, 38.

23. Recovery of Charges for Gas.

On default of payment, any Justice may issue a Summons, and unless cause to the contrary be shown, may issue a Distress Warrant for the recovery of the Amount due, together with such costs, including the cost of cutting off the Supply (if so cut off) as he may deem just and reasonable.

SUPPLY OF GAS TO LOCAL AUTHORITIES (Secs. 24-27).

24. Supply and Price of Gas to Public Lamps.

The Und. shall supply Gas to any Public Lamps situated within 50 yards from their Mains in such quantities as the Street Authorities may require, at an agreed price, or as settled by Arbitration (*sec.* 27), regard being had to the circumstances of the case and the price charged to Private Consumers. Situation of Lamps.

Testing of Gas, secs. 28-34. Penalty for default, sec. 36; also—
Gasworks Clauses Act, 1847: Power to contract for lighting streets, etc., sec. 13, p. 227.

25. Consumption of Gas to Public Lamps.

Sec. 25. The Gas supplied to the Public Lamps shall, at the option of the L. A., or the Und., be consumed by Meter, such Meter, if any, being provided and fixed by the Und. and paid for by the party requiring it.

Meters to Lamps.
Supply by Average Meter Indication. If the Gas is supplied by Average Meter Indication, the Und. shall, to secure uniformity of consumption between Metered and Unmetered Lamps, from time to time provide proper Self-acting Pressure Regulators and Burners to the satisfaction of the L. A.; and the average of the consumption of all the Meters shall be deemed the amount consumed by each Lamp.

Settlement of Differences, sec. 27.

26. Governors for Street Lamps.

The L. A. or the Und. may, at their own expense, affix to each Lamp a Street Lamp Governor; each party having access thereto for the purpose of examining the same.

27. Settlement of Differences.

All differences as to the Supply or Consumption of Gas as above to be settled by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to settlement of dispute by Arbitration.

TESTING OF GAS (Secs. 28-34).

28. Testing Place to be provided.

The Und. shall provide and maintain in good repair and working order a Testing Place with Apparatus therein (situate and arranged for testing the Illuminating Power and Purity of the Gas) at the place and within the time prescribed in the Special Act (*def. sec. 2, p. 224*).

Such Apparatus to be in accordance with Schedule A. (*p. 236*), or with such Rules as may from time to time be substituted in lieu thereof by any Special Act.

Gasworks Clauses Act, 1847: Access to Special Act, secs. 45, 46, p. 230.

29. Appointment and Powers of Gas Examiners.

The L. A. may appoint a competent and impartial Gas

Examiner (*sec.* 30) to Test the Gas at the Testing Place *Sec.* 29. (*sec.* 28) on any afternoon between—

- (a) 5 p.m. and 10 p.m., from Oct. to March ;
- (b) 8 p.m. and 11 p.m., from April to Sept.

Examiner's Report, *sec.* 33.

30. Two Justices may appoint Gas Examiner.

Where no such Gas Examiner is appointed, or where the Testing is imperfectly attended to, two Justices may, on the application of 5 Consumers, appoint a competent and impartial Gas Examiner. Faulty Testing.

Powers of Examiner, see previous *sec.* As to costs of Experiments, *sec.* 37.

31. Und. may be represented at each Test, but not to interfere.

32. Mode of Testing (*Schedule A., p.* 237).

33. Report of Gas Examiner.

The Gas Examiner shall, on the day following the Testing, report the results of the Tests to the L. A. or Justice (*secs.* 29, 30) and to the Und., which Report shall be receivable in evidence.

Penalty for failure to supply Gas of prescribed pressure, *sec.* 36.

34. Access to Testing Place.

Penalty £5 for failing to give the Gas Examiner, his Assistants, and the L. A., access to the Testing Place, and to afford every facility for the proper execution of the Act.

Gasworks Clauses Act, 1847. Rec. of Penalty, *sec.* 40, *p.* 230.

ACCOUNTS.

35. Accounts, etc. (*see also Gasworks Clauses Act, 1847, sec.* 38, *p.* 230).

The Und. shall—

- (a) forward to the L. A. annually, on or before March 25th, a statement of Accounts made up to December

Sec. 35.

31st, as near as may be in the form and containing the particulars specified in Schedule B.*

(b) keep copies of such annual statement at their office, for sale at a price not exceeding 1s.

The Bd. of T., with the consent of the Und., may alter the said Forms for the purpose of adopting them to the circumstances of the Und., or of better carrying into effect the objects of this Section.

Daily Penalty 40s. for non-compliance with this Section.

Gasworks Clauses Act, 1847. Rec. of Penalty, sec. 40, p. 230.

PENALTIES (Secs. 36–38).

36. Penalty for Failure to Supply Gas.

Private
Supply.

Daily Penalty 40s. for failing to supply Gas under the pressure prescribed in the Special Act (*def. sec. 2, p. 224*), to any Owner or Occupier entitled to a Supply (*sec. 11, p. 235*).

Public
Supply.

Penalty 40s. for failing to supply Gas to the Public Lamps in accordance with the provisions of this Act (*Supply to Public Lamps, sec. 24–27, p. 239*).

Pressure,
Purity, etc.

Penalty £20 if proved to the satisfaction of two Justices (not being Shareholders) that on any day the Gas was of less Pressure, Illuminating Power, or Purity than required by the Special Act (*Schedule A., p. 236*).

Such Penalties not to be cumulative.

Gasworks Clauses Act, 1847: Rec of Penalties, sec. 40. Access to Special Act, secs. 45, 46, p. 230.

37. Cost of Experiment to be paid according to Event.

Where the Gas Examiner is appointed by the Justices (*sec. 30*), the costs of the experiment (including the Examiner's remuneration therefore), and the proceedings before the Justices, shall be ascertained by them, and if a Penalty is imposed, shall be paid by the Und., or, if otherwise, such costs shall be in the discretion of such Justices.

* Omitted from this Work.

38.* Penalty for Injuring Meters, etc., and fraudulently consuming Gas.

Penalty £5, and in addition the amount of the Damage may be recovered, for—

| | | |
|--|---|---|
| <p>(a) wilfully, fraudulently, or negligently injuring or suffering to be injured any of the Und. Pipes, Meters, or Fittings, or altering the Index or preventing any Meter from duly registering;</p> | } | <p>and the Supply may be discontinued until the matter complained of has been remedied.</p> |
|--|---|---|

(b) fraudulently abstracting, consuming, or using Gas.

The existence of artificial means for causing such alteration or prevention, or of abstracting, consuming, or using Gas (when such Meter is under the Consumer's control) shall be *primâ facie* evidence of fraud.

Gasworks Clauses Act, 1847. Rec. of Penalties, sec. 40, p. 230.

RECOVERY OF GAS RENTS (Secs. 39–41).

39.* Incoming Tenant not liable to pay arrears of Gas or Meter Rents unless by agreement with former Tenant.

40.* Gas or Meter Rents, or any expense of cutting off Gas, may be recovered same as Penalties.

Gasworks Clauses Act, 1847: Rec. of Penalties, sec. 40, p. 230.

41.* Any Rent or other sums may be recovered with costs in any Court of Competent Jurisdiction.

Gasworks Clauses Act, 1847: Power to cut off Supply in default of payment, sec. 16, p. 227.

LEGAL PROCEEDINGS (Secs. 42–46).

42.* Any Summons or Warrant may contain several names and several sums.

43. Warrant of Distress shall include costs.

* Incorporated with the Electric Lighting Acts, (*sec.* 12, p. 260).

44. Offences, Penalties, etc., may be prosecuted and recovered as directed by the "Gasworks Clauses Act, 1847" (*sec.* 40, *p.* 230).

45.* Service of Notices.

Notices which the Und. are required to serve, shall be—
(*a*) delivered to, or left at the Person's usual or last-known place of abode, or sent by Post;

Or if such Person be not known and cannot after due inquiry be found—

(*b*) by being affixed to some conspicuous part of the premises to which such Notice relates.

46.* Liability to pay Gas Rents not to disqualify Justices from acting.

* Incorporated with the Electric Lighting Acts (*sec.* 12, *p.* 260).

WATCHING AND LIGHTING ACT, 1833.

(3 & 4 WILL. IV., CAP. 90.)

BRIEF SYNOPSIS OF PROVISIONS RELATIVE TO LIGHTING, ALSO TO EXTINGUISHING FIRES.

NOTE.—Adoptive in Rural Districts.*

* * * * *

4. Act may be adopted by any Parish † in England and Wales.

Adoption of Act, secs. 8, 9. Part of Act may be adopted, sec. 71. Parts of Parishes may adopt Act, sec. 73.

5. On application of 3 Ratepayers, Churchwardens to convene a Vestry Meeting to determine whether Act shall be adopted.

Adoption of Act, secs. 8, 9. Parts of Parishes may adopt Act, sec. 73.

* * * * *

8, 9. Adoption of Act and number of Inspectors.

If Meeting (*sec. 5*) determine by a majority of two-thirds of the Votes of the Ratepayers present to proceed, this Act shall be adopted, when it shall forthwith be determined

* In Urban Districts (also Rural Districts invested with the powers of an Urban A. as to Lighting), this Act is superseded by the P. H. A. 1875 (*sec. 163, p. 51*).

† Parish meeting to have exclusive power of adopting this Act (*see Local Gov. Act, 1894, sec. 7, p. 393*).

Secs. 8, 9. what number of Inspectors, not being more than 12 nor less than 3, shall be elected to carry Act into effect.

At an annual Meeting, Ratepayers shall fix the amount of money which the Inspectors shall have power to call for.

Provided that a Poll may be demanded by any 5 Ratepayers as to Adoption of Act.

Act may be adopted by any Parish, sec. 4. Notice of Adoption, etc., to be given, sec. 15. Mode of electing Inspectors and qualification, sec. 17. Inspectors of adjoining Parishes may unite, sec. 61. Inspectors exempted from personal liability, sec. 64. Part only of Act may be adopted, sec. 71. Parts of Parishes may adopt Act, sec. 73.

* * * * *

15. Notice of Adoption of Act, also the Sum to be raised in the succeeding year, and the number of Inspectors to be elected, to be given by the Churchwardens.

Adoption of Acts, secs. 8, 9. Parts of Parishes may adopt Act, sec. 73.

* * * * *

17. Mode of electing Inspectors (who shall reside in the Parish and be assessed to the Poor Rate to the value of £15).

Meetings of Inspectors, secs. 22, 23. Power of Inspectors to contract for Works, sec. 57. Power to acquire Ground and Buildings, sec. 59. Inspectors exempted from personal liability, sec. 64.

18, 19. Accounts.

At Annual Meeting, Inspectors to produce Accounts: one-third of whom to retire but to be eligible for re-election.

Copy of Accounts, verified before two Justices by two Inspectors, to be deposited with Inspectors and be open to inspection of interested Parties.

Accounts to be open to inspection, sec. 31.

* * * * *

22. Inspectors to hold monthly Meetings, at which Ratepayers may attend.

23. Inspectors may call Special Meetings at 48 hours' Notice.

24. Inspectors to appoint and pay Treasurer and other Officers, and rent Office for transaction of business.

Officers to Account, sec. 26. Penalty on Officers taking Fees, etc., sec. 28. Power of Inspectors to Contract for Works, sec. 57. Power to acquire Ground and Buildings, sec. 59. Inspectors of adjoining Parishes may unite, sec. 61.

25. Treasurer to give Security.

26. Treasurer and Officers to Account.

* * * * *

28. *Penalty* £50 on Officers taking any Fee or Reward other than appointed Salary or Fees.

Recovery of Penalties, sec. 63. Limitation of Actions, sec. 69.

* * * * *

31. Accounts of Monies received and expended to be kept and to be open to inspection by Ratepayers.

Annual statement of Accounts, secs. 18, 19.

32. Inspectors, on Election, to Issue Order to Overseers for payment of Money for purposes of Act.

Election of Inspectors, sec. 17.

33-38. Collection, etc., of Rate.

* * * * *

FIRE-ENGINES.*

44. Fire Engines, Stations, etc.

Inspectors may provide and maintain Fire-engines, with Pipes and other utensils, and Places for keeping the same, and may appoint and pay persons to look after such Engines, etc.

Towns Police Clauses Act, 1847. Urban A. to provide Fire-engines, etc., sec. 32, p. 163.

LAMP-POSTS, ETC.*

45. Lamp-posts, etc.

Inspectors may fix Lamp-irons or Lamp-posts upon or

* See sec., 163 P. H. A., 1875, as to transfer of Engines, Lamps, etc., on

Sec. 45. against the Walls or Palisades of Houses, Buildings, or Inclosures (doing as little damage as may be), or in any Roads, Streets or Places within limits of Act, for the purposes of lighting such Roads, Streets and Places, and may light the same with Gas, Oil, or otherwise for such number of hours in every 24 hours as they shall think necessary.

Lighting
by Oil.

Lamps, etc., vested in Inspectors, sec. 60.

Gasworks Clauses Act, 1847, Power of Gas Co. to contract for Lighting Streets, etc., sec. 13, p. 227.

Gasworks Clauses Act, 1871. Supply of Gas to Local A., secs. 24-27, p. 239.

GAS * (Secs. 46-54).

46. Inspectors, or Gas Co. contracting with Inspectors for Lighting, not to lay Gas Pipes, etc., on private Premises without Consent.

47. Owners of private Grounds may alter position of Pipes.

48. *Penalty* £5 for failure to stop escape of Gas after 24 hours' Notice.

Recovery of Penalties, sec. 63. Limitation of Actions, sec. 69.

49. Gas Co. may lay Iron Pipes under Roads, Streets, etc., within limits of Act, for purpose of carrying off Gas Washings, etc.

Pollution
of Rivers,
etc.

50. *Penalty* £200 and £20 *Daily* for fouling Water in any River, Brook, Stream, Reservoir, Canal, Aqueduct, Waterway, Pond, Well, etc., by Gas Washings.

Contamination of Water, secs. 52, 53. Recovery of Penalties, sec. 63. Limitations of Actions, sec. 69; also—

P. H. Act, 1875: Penalty for polluting Water by Gas Washings, etc., sec. 68, p. 187.

formation of Urban District, or investment of Rural A. with powers of Urban A. as to Lighting (p. 51).

* As to supply of Gas in Urban Districts (or Rural Districts invested with powers of Urban A. as to Lighting), see Gasworks Clauses Acts, 1847-71, pp. 223-244.

51. Mode of laying Gas Pipes in relation to Water Water
Pipes.

52. *Penalty £20 and £10 daily* for contaminating Water
of Water Co., etc., by Gas.

Pollution of Streams, sec. 50. Recovery of Penalties, sec. 63. Limitation
of Actions, sec. 64.

53. Power to ascertain if Water be contaminated.

54. Persons supplying Gas liable to be indicted for a Nuisance.
Nuisance.

MISCELLANEOUS (Secs. 55–61).

55. *Penalty £2* for wilfully destroying, injuring, or Lamps.
extinguishing Lamps.

Recovery of Penalties, sec. 63. Limitation of Actions, sec. 69.

56. Satisfaction to be made for accidentally injuring, Lamps.
etc., Lamps.

57. Power of Inspectors to Contract for Work.

Contracts to specify the Works to be done, Prices to be Contracts.
aid, Time of completion, Penalties for non-performance,
and to be signed by 2 Inspectors. Contracts over £20 to
be advertised.

58. Inspectors may sue for Breach of Contract, or may
compound with Contractor.

59. Inspectors may purchase or rent Ground or Buildings Land and
Buildings.
for purposes of this Act.

Inspectors may rent offices, sec. 24.

60. Lamps, etc., vested in Inspectors.

Lamps.

Power to fix Lamps, sec. 45.

61. Inspectors of adjoining Parishes may unite to carry Parishes
may unite.
it into effect.

LEGAL PROCEEDINGS (Secs. 62-70).

* * * * *

63. Recovery of Penalties.

64. Inspectors exempt from personal liability.

* * * * *

66. Appeal to Quarter Sessions against Order, etc., of Inspectors.

* * * * *

69. Limitation of Actions.

Action shall not be commenced—

(a) until 21 days' Notice thereof to the Inspectors ; or

(b) after sufficient satisfaction has been made to the aggrieved party ; or

(c) after 6 months from commission of the offence.

* * * * *

SUPPLEMENTAL (Secs. 71-78).

71. Act may be adopted either as to Watching or Lighting, or as to both Watching and Lighting.

* * * * *

73. Parts of Parishes may adopt Act.

Adoption of Act, secs. 8, 9.

74. Surveyor of Commissioners of Sewers may enter Gas Works, to see if there be any escape of Gas, etc.

75. Saving for Commissioners of Sewers.

* * * * *

77. Definitions.

* * * * *

ELECTRIC LIGHTING AND TELEGRAPHS.

| | | | | PAGE |
|--|-----|-----|-----|------|
| ELECTRIC LIGHTING:— | | | | |
| ELECTRIC LIGHTING ACTS, 1882-1888 | ... | ... | ... | 253 |
| Board of Trade Rules | ... | ... | ... | 271 |
| Draft Prov. Order | ... | ... | ... | 277 |
| Regulations as to Overhead Wires | ... | ... | ... | 293 |
| <hr/> | | | | |
| TELEGRAPH ACTS, 1863-66-68-69-70-78-85-89-92 | | | | 297 |

ELECTRIC LIGHTING ACTS, 1882-1888.

(45 & 46 VICT., CAP. 56 ; 51 & 52 VICT., CAP. 12.)

ARRANGEMENT OF SECTIONS.

tion

- Short Title.
- (1888 Act). Joint Title.
- Application of Act.
- Granting of Licences.
- (1888 Act). } Granting of Provisional Orders.
- Making of Rules as to Application.
- Regulations to be inserted in Licences, etc.
- Expenses of L. A.
- Power of L. A. to Borrow.
- Accounts.
- General Powers of Undertakers under Licences or Prov. Orders.
- Power of L. A. to Contract, and Restrictions on Assignments of Powers,
etc., of Undertakers.
- Incorporation of Provisions of Lands Clauses Acts and Gasworks Clauses
Acts, 1847-1871.
- Restrictions on Breaking up Private Streets, Railways, and Tramways.
- Restrictions as to Above-ground Works.
- Power of Undertakers to alter position of Pipes and Wires.
- Protection of Canals, Docks, and Basins.
- Compensation for Damage.
- Undertakers not to prescribe special form of Lamp or Burner.
- Obligation on Undertakers to supply E.

The Sections of the "Electric Lighting Act, 1888," are, for convenience of reference, inserted in or after the respective Sections they amend of the Electric Lighting Act, 1882." The original numbering of the Sections is, ever, retained.

SECTION

20. Charges for E.
21. Recovery of Charges, etc.
22. Injuring Works with intent to cut off Supply.
23. Stealing E.
24. Power to enter Premises for ascertaining quantity of E. consumed, or to remove Fittings.
25. Electric Lines, etc., belonging to the Undertakers, and placed in or upon Premises not in their possession, not to be subject to Distress.
26. Provision for the protection of the Postmaster-General.
27. *Repealed*.
- *2 (1888 Act). Purchase of Undertaking by L. A.
- *3 (1888 Act). Power to vary Terms of Sale.
28. Arbitration.
29. Bd. of T. may relieve Gas Und. from obligation to supply Gas in certain cases.
30. Annual Report by Bd. of T. to be laid before Parliament.
31. Definitions of L. A. and Local Rate.
32. Definitions.
33. For the protection of Mines.
34. Provision as to future General Acts relating to supply of E.
35. Saving for privileges of Postmaster-General.
- *4 (1888 Act). Restrictions as to placing of Electric Lines by Non-Undertakers.

APPLICATION OF ACT TO SCOTLAND (36).

APPLICATION OF ACT TO IRELAND (37).

Abbreviations, "E" for Electricity.

"Und." for Undertakers.

* See footnote on previous page.

ELECTRIC LIGHTING ACTS, 1882-1888.*

(45 & 46 VICT., CAP. 56; 51 & 52 VICT., CAP. 12.)

NOTE.—See sec. 2 as to application of Act.

Joint Title :—

Electric Lighting Acts, 1882-1888, to be read and Sec. 5
(1888).
instructed together as one Act.

2. Application of Act.

This Act shall apply to every L. A. or Company (*def. sec. 32*), referred to as the Undertakers, who may by Licence or Provisional Order under this Act, or by Special Act be authorized to supply E. (*def. sec. 32*), and to every Undertaking authorized, except as may be expressly provided by such Special Act.

3. Granting of Licenses.

The Bd. of T. may License any L. A. or Company to supply E. (*def. sec. 32*) for Public or Private Purposes (*def. sub-secs. c and d*) subject to the following provisions :—

- (a) Consent to the application for a Licence by every Consent of
the L. A.
L. A. having jurisdiction within the proposed area, or part thereof, of Supply, who may insert such conditions as the Bd. of T. may approve (*Bd. of T. Rules, 1, 3, 4, p. 272*) ;

The Sections of the 1888 Act are, for convenience of reference, inserted or after the respective Sections they amend of the 1882 Act, the original numbering of the Sections being, however, retained.

Sec. 3.
Licences
not to ex-
ceed 7
years.

Definition
of Public
Purposes.

Definition
of Private
Purposes.

Applica-
tion to be
Adver-
tised, and
Licence not
granted
until three
months
after.

Resolution
as to Ap-
plication.

Licence
may
Authorize
L. A. to
supply
outside
District.

Licences
may con-
tain Regu-
lations.

(b) Licence not to exceed 7 years, but renewable for a like period with the above Consent (a) and upon terms and conditions determined by the Bd. of T.

(c) Definition of Public Purposes, viz.: Lighting any—
(i.) Street (*def. sec. 32*) or Place belonging to, or subject to the control of, the L. A.
(ii.) Church, registered place of Public Worship, Hall, or Building belonging to, or subject to the control of any Public Authority.
(iii.) Public Theatre;
but shall not include any other purpose whatsoever.

(d) Definition of Private Purposes, viz.:—Any Purpose whatever (not being Public Purposes), except the transmission of any Telegram (*def. sec. 32*).

(e) Notice of the Application shall be published by Advt. (*Bd. of T. Rule 13*), and the Licence shall not be granted until 3 months after the first publication of such Advt., nor until all parties interested have had opportunity of objecting thereto (*Bd. of T. Rule 13, sub-sec. 2, p. 275*).

(f) As to Resolution by L. A. prior to making Application. * * * *

(g) A Licence may (subject to this Act) be granted to a L. A., authorizing them to supply Electricity within any Area, although the same or any part thereof is not included in their District.

(h) The Licence may make Regulations—

(i.) as to the limits and the conditions within or under which a supply of E. is to be compulsory or permissive.

(ii.) for enforcing the Licencee's duties in relation to such Supply, and for revoking such Licence on failure to perform such duties;

also such other Regulations and conditions as the Bd. of T. may think expedient.

(i) Where the Und. are not the L. A., the Licence may contain such provisions and restrictions as the Bd. of T. think expedient, for enabling the L. A. to exercise any of the Und. powers under this Act with respect to—

Sec. 3.
Power for
Breaking
up Streets,
etc., may
be trans-
ferred
to L. A.

(i.) The breaking-up of any Street repairable by the L. A. (*sec. 12, sub-sec. 2*).

(ii.) The alteration of the position of any Pipes or Wires under such Street (other than those of the Und.) on behalf and at the expense of the Und. (*sec. 15*);

And for limiting the powers and liabilities of the Und. in relation thereto.

Board of Trade Rules as to application for Licences, p. 272. Regulations be inserted in Licences, sec. 6.

4. Granting of Provisional Orders.*

No P. O. shall be granted by the Bd. of T. authorizing the supply of E. for Public or Private Purposes (*def. sec. 3, and d*), *except with the Consent of the L. A., unless, where such consent is refused, the Bd. consider it ought to be dispensed with, in which case they shall make a Special Report, stating their grounds for so doing*† (*Bd. of T. Rules 2, 3, 4*).

Sec. 1
(1888).
Consent of
the L. A.

A P. O. shall be for such period as the Bd. may think proper, but subject in all other respects to the like provisions contained in sec. 3, (*c to i*), and to the following provisions—

Duration
of P. O.

a) No P. O. shall authorize the supply of E. (*def. sec. 32*) by any Und. (other than the L. A.), unless Notice of application or intended application is given to the L. A. on or before July 1st (*Bd. of T. Rules 6 and 7*).

Notifica-
tion of Ap-
plication
for P. O.

b and c) As to confirmation of P. O. by Parliament.

d) As to Repeal of Confirming Act.

Confirma-
tion.

The grant of a Licence or P. O. to any Und. shall not restrain the granting of a Licence or P. O. to the L. A. or Company within the same area.†

For summary of dates of proceedings for obtaining P. O. see p. 276.
The italics indicate the provisions contained in sec. 1, E. L. Act, 1888.

Sec. 4.

Bd. of T. Rules as to application for P. O., p. 272. Summary of dates of proceedings for obtaining Provisional Orders, p. 276. Regulations to be inserted in Provisional Order, sec. 6.

5. Rules as to Application for P. O. (*Bd. of T. Rules, p. 272*).

The Bd. of T. may make, rescind, alter, or repeal, Rules relating to the—

- (a) Applications for Licences or P. O.'s, and to the payments therefore;
- (b) Publication of Notices and Advertisements, and the manner and time within which representations or objections are to be made;
- (c) Holding of Local Inquiries in such cases as they think advisable;

And to any other matters arising under the Act.

* * * * *

Granting of Licences, sec. 3. Granting of Prov. Orders, sec. 4.

6. Regulations may be inserted in Licence, P. O., or Special Act, viz. :—

With respect to—

- (a) Limits and conditions within or under which a Supply is to be compulsory or permissive;
- (b) Securing a regular and efficient Supply;
- (c) Securing the safety of the Public from personal injury, fire or otherwise;
- (d) Limitation of the Prices to be charged for the Supply;
- (e) Inspection and Inquiry from time to time by the Bd. of T. and the L. A.;
- (f) Enforcement by Penalties, or otherwise, of the Und.'s duties; and the revocation of the Licence, P. O., or Special Act, on failure (in the opinion of the Bd. of T.) within a reasonable time to carry out, or on discontinuance of the exercise of, their powers;
- (g) With regard to any other matters.

Provided that—

Bd. of T.
Regulations for
securing
Public
safety.

The Bd. of T. may make, amend, or repeal any such Regulations for securing the safety of the Public from personal injury, fire or otherwise.

Any L. A. may, in addition, make, rescind, alter, or repeal *Byelaws* (to be confirmed by the Bd. of T., and published as they may direct) for further securing such safety, and may impose Penalties on Offenders against such *Byelaws*.

Sec. 6.
L. A. may
make Bye-
laws for
securing
Public
safety.

Draft Provisional Orders, p. 277.

7. How expenses of L. A. to be defrayed (*see P. H. Act, 1875, secs. 207, 229*).

8. Borrowing Powers of L. A. and Audit.

This Section provides for:—

(1) (a) Borrowing Powers (*see P. H. Act, 1875, secs. 233-244; also Local Loans Act, 1875*).

(b) Corporation Stock.

(2) Audit (*P. H. Act, 1875, secs. 246-248*).

9. Annual Statement of Accounts to be published and supplied to Applicants.

Daily Penalty for default 40s.

10. General Powers of Und. under Licence or P. O.

The Und. may (subject to this and the Special Act, Bd. of T. Rules, Licence, or P. O.), for the purpose of supplying E.—

(a) Acquire Lands by Agreement;

(b) Construct Works;

(c) Acquire Licences for the use of Patented or protected processes, inventions, machinery, apparatus, methods, materials, or other things;

(d) Enter into Contracts;

(e) Generally do all acts and things as may be necessary and incidental to such Supply.

11. Power of L. A. to Contract, and Restrictions on Assignments of Powers, etc., of Und.

Any L. A. having obtained a Licence, P. O., or Special Act, may Contract for the execution and maintenance of any Works, or for the supply of E.; but no L. A. or other

- Sec. 11. Und. shall by Contract or Assignment transfer or divest themselves of their legal Powers or Liabilities without the consent of the Bd. of T.

12. Incorporation of Certain Provisions of other Acts, viz.:—

“Lands
Clauses
Acts.”

(1) The “Lands Clauses Acts, 1845,” 1860, and 1869, except the enactments respecting—

- (a) The purchase and taking of Lands otherwise than by Agreement.
- (b) The entry upon Lands by the Promoters of the Undertaking.

The expression, “land,” therein shall include easements in or relating to lands.

“Gasworks
Clauses
Act, 1847.”

(2) The “Gasworks Clauses Act, 1847,” respecting—

- (a) Breaking-up of Streets for the purpose of laying Pipes (*secs. 6-12, p. 224*);
- (b) Waste or misuse of the Gas, or injury to the Pipes or other Works (*secs. 18-20, p. 227*), except so much as relates to “the use of any burner other than such as has been provided or approved of by the Und.”

“Gasworks
Clauses
Act, 1871.”
Defini-
tions.

(3) Sections 38-42, and 45, 46 (*p. 243*), of the “Gasworks Clauses Act, 1871.”

Definitions under “Gasworks Clauses Act, 1871 ”:—

“Special Act” shall mean this Act, inclusive of any Licence, Order, or Special Act.

“Gas” shall mean Electricity.

“Pipe” shall mean Electric line.

“Works” shall mean Works as defined in this Act (*sec. 32*).

“The limits of the Special Act” shall mean the authorized area of Supply.

Recovery
of Penal-
ties, etc.

All offences, forfeitures, penalties, and damages under the above Incorporated Acts may be prosecuted and recovered as therein provided—the sums recoverable under *sec. 40*, “Gasworks Clauses Act, 1871,” being recoverable summarily as civil debts, and not as penalties.

Restriction on breaking up Private Streets, Railways, and Tramways, *sec.*

13. Power to alter position of Pipes and Wires, sec. 15. Provision for protection of Postmaster-General, secs. 26-36; also—

Draft Provisional Order, p. 277. Power for execution of Works, sec. 8. Power to construct Street Boxes, sec. 9. Notice of Works with Plan to be served on Postmaster-General, sec. 10. As to Streets not repairable by L. A., etc., Railways, Tramways, and Canals, sec. 11. Street A. may break up Streets on behalf of Undertakers, sec. 12. Alteration of Pipes and Wires, etc., under Streets, sec. 13. Laying of Electric Lines, etc., near Gas or Water-pipes, or other Electric Lines, sec. 14. Protection of Railway and Canal Co.'s, sec. 15. Protection of Telegraphic and Telephonic Works, sec. 16.

13. Restriction on Breaking up Private Streets, Railways, and Tramways.

The Und. shall not break up any Street (*def. sec. 32*) not repairable by the L. A., or Railway, or Tramway without the consent of the Authority or Company (*def. sec. 32*), by whom the same is repairable, unless specially empowered in the Licence, etc., or by written consent of the Bd. of T. (*rule 12, p. 274*); which power or consent, however, shall not be given until Notice by advt. or otherwise (as the said Board may direct), has been given to such Authority or Company, with opportunity to state their objection thereto.

See References to previous Section.

14. Restrictions as to Above-ground Works.

The Und. shall not place any Electric Line (*def. sec. 32*) above ground, along, over, or across any Street (*def. sec. 32*) without the express consent of the L. A., who may otherwise require the removal of, or may themselves remove, any such line, and summarily recover the expense.

Notwithstanding such consent, a Court of S. J. (upon receipt of complaint) may, if of opinion that any Line above ground is, or is likely to become, dangerous to the public, make an Order directing the removal thereof by such Person and upon such terms as they may think fit.

15. Power of Undertakers to alter Position of Pipes and Wires.

The Und. may (subject to this or the Special Act, Licence, or P. O., and of any Byelaws thereunder) alter the position of any Pipes or Wires under any Street (*def. sec. 32*) or place (*sec. 13*) which may interfere with the exercise of their Powers, on previously making or securing such com-

Sec. 15. pensation to the Owners thereof, and on complying with such conditions as to the mode of making such alterations as may be agreed upon, or in case of difference in manner prescribed by the Licence or P. O., or where not so prescribed, by Arbitration (*sec. 28, p. 267*).

Power of
Authori-
ties to alter
position of
Electric
Lines, etc. Any Local or other Public A. or Company may (subject to the same conditions), in like manner, alter the position of any Electric Line (*def. sec. 32*) or Works of the Und. under such Street or Place.

See References, *sec. 12*.

16. Protection of Canals, Docks, and Basins.

Where the Und. have placed any Works under, in, upon, over, along, or across any Canal, and any authorized Person constructs any Dock, Basin, or Work on any adjoining Land for communicating therewith, but is prevented by the Und. Works from forming such communication for the convenient passage of Vessels with or without masts; or if the business of such Dock, Basin, etc., is thereby interfered with, the Und. shall remove their Works on such Person affording them reasonable facilities for placing the same round such Dock, Basin, etc., under, in, upon, over, along, or across Land under his control.

Any dispute as to the facilities to be afforded or the direction the Works shall take, to be determined by Arbitration (*sec. 28*).

Draft Provisional Order: Streets not repairable by L. A., Railways, Tramways, and Canals, *sec. 11*. Protection of Railway and Canal Co.'s, *sec. 15, p. 283*.

17. Compensation for Damage.

The Und. shall cause as little detriment and inconvenience, and do as little damage as possible in the execution of any Works, and shall make full compensation (in case of dispute, to be settled by Arbitration, *sec. 28*) for damage done.

18. Und. not to prescribe Special Form of Lamp or Burner.

The Und. shall not prescribe any special form of Lamp or Burner, or in any way control or interfere with the manner in which E. supplied by them is used.

Provided that—no such Lamp or Burner shall be such, or Sec. 18.
 e used in such manner, as will unduly interfere with the
 Supply of any Consumer. Disputes to be settled by Arbitration (*sec.* 28).

19. Obligation on Und. to supply E.

Where a Supply is provided in any part of an Area for Private Purposes (*def. sec.* 3, *d*), then (except in so far as is otherwise provided by the Licence, P. O., or Special Act), every Company (*def. sec.* 32) therein shall, on application, be entitled to a Supply on the same Terms as any other Company is entitled under similar circumstances to a corresponding Supply.

Draft Provisional Order: Supply of Energy, secs. 21-23, p. 285.

20. Charges for E.

The Und. may make such charge (not exceeding that specified in the Licence, P. O., or Special Act) for such Supply as may be agreed upon, but shall not show any undue preference to any Consumer.

Draft Provisional Order: Charge for Energy, secs. 24-26, p. 286.

21. Recovery of Charges, etc.

If any Consumer neglects to pay any sum due in respect of such Supply, the Und. may discontinue the same until (but not longer) such sum, together with the expense of putting-off, be paid.

22. Injuring Works with Intent to cut off Supply.

Any Person unlawfully and maliciously cutting or injuring any Electric Line (*def. sec.* 32) or Works, with intent to cut off any Supply, shall be guilty of Felony, and be liable to 5 years' Penal Servitude, or 2 years' imprisonment, with or without hard labour.

* * * * *

23. Stealing Electricity.

Any Person maliciously or fraudulently abstracting, causing to be wasted or diverted, consuming or using E. (*def. sec.* 32) shall be guilty of simple larceny.

24. Power to enter Premises for ascertaining Quantity of E. consumed, or to remove Fittings.

Any authorized Officer may at all reasonable times enter any Premises—

- (a) To inspect the Electric Lines, Meters, Accumulators, Fittings, Works, and Apparatus, and to ascertain the quantity of Electricity consumed ;
- (b) To remove such Lines, etc., where a Supply is no longer required, or, where the Undertakers are authorized to cut off the Supply (*sec.* 21), repairing all damage caused by such entry, inspection, or removal.

25. Electric Lines, etc., belonging to the Und. and placed in or upon Premises not in their Possession, not to be subject to Distress.

26. Provision for the Protection of the Postmaster-General.

(1) Any alteration to a Telegraph Line of the Postmaster-General shall be made subject to the “Telegraph Act, 1878” (p. 304).

Notifica-
tion to
Post-
master-
General of
works
affecting
Telegraph
line.

(2) The Und. shall not do any work whereby any Telegraph Line of the Postmaster-General is, or may be, injuriously affected, and shall—

- (a) not more than 28 nor less than 7 days before any Electric Line is laid down, or work done within 10 yards of any such Telegraph Line, (other than repairs, or the laying of Connections with Mains, where the direction of the Electric Line so laid down cross the line of the Postmaster-General at right angles at the point of shortest distance, and continues the same for a distance of 6 feet on each side of such point), give Written Notice to the Postmaster-General specifying the course and nature of the work and the gauge of the Lines; and

Post-
master-
General's
require-
ments to be
complied
with.

- (b) conform with the reasonable Requirements of the Postmaster-General for preventing any Telegraphs being injuriously affected. Such Line being

deemed to be injuriously affected, if Telegraph Sec. 26. Communication is, whether through induction or otherwise, in any manner affected by such work.

Differences with respect to such Requirements to be Arbitration. determined by Arbitration (*sec. 28*).

(3) *Daily Penalty* £10 for any contravention or wilful non-compliance with this Section, or, if the Telegraphic communication is wilfully interrupted, a *Daily Penalty* of 50.

Provided that—no liability shall be incurred if the Court Postmaster of nearest Telegraph-office to be notified of work of emergency, satisfied that—

(a) The immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency; and

(b) Notice was forthwith served on the Postmaster, or sub-Postmaster of the nearest Postal Telegraph Office, stating the reason for executing the same without previous Notice.

(4) For the purpose of this Section, Secs. 2, and 7-12 of the "Telegraph Act, 1878," are incorporated with this Act follows, viz:—

* * * * *

saving for Privileges of Postmaster-General, sec. 35.

Incorporated Provisions (Secs. 2, 7-12) of the Telegraph Act, 1878.

These Sections provide as follows—

1. Definitions.

| Expression. | Definition. |
|-------------------------|---|
| Telegraphic Line " | Telegraphs, Posts, and any Work (within the meaning of the Telegraph Act, 1863), and also any Cables, Apparatus, Pneumatic, or other Tube, Pipe, or thing whatsoever used for the purpose of transmitting Telegraphic Messages or maintaining Telegraphic Communication, and includes any portion of a Telegraphic Line as defined by this Act. |
| Alteration," "Alter-g " | In respect of a Telegraphic Line, include the substitution of any new Line, or portion of a Line, either in the same place or in some other place, also any removal of or other dealing with any Telegraphic Line, or any part of such Line. |

7. Alteration to Telegraphic Line.

Any temporary or permanent alteration to any Telegraphic Line of the P. G. shall be made under the following conditions—

- (1) From 7 to 14 days' Notice shall be given the P. G. of the time, place, and nature of the alteration.
- (2-5) Within 7 days of the receipt of such Notice the P. G. may—
 - (a) Give Notice of *his* intention to make such alteration, when the whole of the expense, including loss and damage, shall be paid by the Und.;
 - (b) Require the same to be done to his satisfaction, when the expense of supervision, loss, and damage, shall be paid by the Und.
- (6, 7) *Daily Penalty* £10 on Und. failing compliance, or a *Daily Penalty* £50 if the Telegraphic Communication is interrupted.
- (8) Provided that—no Penalty shall lie if the Und. satisfy the Court that—
 - (a) The requirement was unreasonable;
 - (b) The immediate execution of the work was required to avoid accident, or otherwise was a work of emergency, and that Notice was served on the Postmaster of the nearest Telegraph Office.

8. Daily Penalty £20 for injuring the Telegraphic Lines of the P. G. in addition to the expense of making good.

9. Penalty £10 and £10 Daily for obstructing the P. G. in placing, maintaining, altering, examining, or repairing any Telegraphic Line, or when supervising the same being done by the Und.

10. Fines and Penalties may be recovered summarily.

11. Legal Proceedings by P. G.

12. Authentication and Service of Notices.

27. Repealed. Sec. 2, Electric Lighting Act, 1888, being substituted therefore, as follows—

2. Purchase of Undertaking by L. A.

Any L. A. may, by Written Notice—

Within 6 months after the expiration of 42 years or of every subsequent 10 years, from the date of the Confirmation of the P. O. or Special Act (or such shorter periods as may be specified therein),

Sec. 2
(1888).
L. A. may
purchase
Under-
taking
within six
months
after the
expiration
of forty-
two years.

require any Und. to sell their Undertaking, or such part thereof as is within the jurisdiction of such L. A. on

payment of the then value (if in dispute, to be settled by Sec. 27. arbitration, *sec.* 28), of all Lands, Buildings, Works, Materials, and Plant suitable to, and used by them for the purpose of their Undertaking (*sec.* 28).

Provided that—such value shall be the fair market value Purchase Value. at the time of purchase, due regard being had to—

- (a) Their nature, condition, and state of repair; and
- (b) The circumstances that they are ready for immediate working; and
- (c) Their suitability to the purpose of the Undertaking; and
- (d) Where a part only is taken, to any loss occasioned by severance;

but without any addition for Compulsory Purchase or for any goodwill or profits which may, or might have been, or to be made, or any similar consideration.

The Bd. of T. may determine any other question relating to the purchase, and may fix the date from which the purchase is to take effect. Bd. of T. may determine purchase.

* * *

3. Power of Bd. of T. to vary Terms of Sale to L. A.

Sec. 3
(1888).

28. Arbitration.

All matters directed to be settled by Arbitration shall except as otherwise expressly provided) be determined by an Engineer or other fit Person nominated by the Bd. of T., in the application of either party, and the expenses shall be borne as by him directed.

29. Bd. of T. may relieve Gas Und. from obligation to supply Gas in Certain Cases.

Upon the application of any Gas Und., the Bd. of T. may, satisfied on Inquiry, that—

- (a) Any specified part of their area is sufficiently supplied with Electric Light; and
- (b) The supply of Gas has ceased to be remunerative; and
- (c) It is just that they be relieved from their obligations to supply Gas;

Sec. 29. make an Order relieving the Gas Und. from their obligations to supply Gas, either wholly or in part, upon such terms and conditions as they may think proper.

* * * * *

30. Annual Report by Bd. of T. to be laid before Parliament.

31. Definition of L. A. and Local Rate.

32. Interpretation.

| Expression. | Definition. |
|-----------------|---|
| “Electricity” | Electricity, Electric Current, or any like agency. |
| “Electric Line” | A Wire or Wires, Conductor, or other means used for the purpose of conveying, transmitting, or distributing Electricity, with any casing, coating, covering, tube, pipe, or insulator enclosing, surrounding or supporting the same, or any part thereof, or any apparatus connected therewith, for the purpose of conveying, transmitting, or distributing Electricity or Electric Currents. |
| “Works” | Includes Electric Lines, also any Buildings, Machinery, Engines, Works, Matters, or things of whatever description required to supply Electricity, and to carry into effect the object of the Undertakers under this Act. |
| “Company” | Any person, or body of persons, corporate or incorporate; |
| “Street” | Includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place within the area the Undertakers are authorized to supply Electricity. |
| “Telegram” | Any message or other communication transmitted or intended for transmission by a Telegraph. |

33. For the Protection of Mines.

Nothing in this Act shall interfere with the rights of any Owner, Lessee, or Occupier of any Mines or Minerals lying under or adjacent to any Road along or across which any Electric Line shall be laid, to work the same.

34. Provisions as to Future General Acts relating to Supply of E.

35. Saving for Privileges of Postmaster-General.

Nothing in this or the Special Act Licence or P. O. shall affect the exclusive privileges conferred upon the Postmaster-

general by the "Telegraph Act, 1869," as to Telegrams, Sec. 35. and of the services incidental thereto.

Saving for P. G., sec. 26.

4. Restrictions as to placing of Electric Lines by non-Under-takers. Sec. 4 (1888).

(1) Where any Person (otherwise than under the provisions of a Licence, P. O., or Special Act) has laid down or erected any Electric Line (*def. sec. 32*) or other Work for supplying E. (*def. sec. 32*). Restriction
on Private
Lines
outside
Buildings.

(a) In, over, along, across, or under any Street (*def. sec. 32*); or
(b) In any other position not being enclosed within any Building; } or where the same *may* be used for such purpose;

the Bd. of T. *may* require that the same shall be continued and used only in accordance with such Regulations (p. 293) as they may prescribe for the protection of—

(c) The Public safety;

(d) The Electric Lines and Works of the Postmaster-General;

(e) Other Electric Lines and Works lawfully placed and used for Telegraphic Communication,

and in case of non-compliance therewith, may require the removal of such Electric Lines or other Works * * *

(2) Where any such Electric Line or Work is used for the supply of E. in such a manner as to injuriously affect any telegraphic Line of the Postmaster-General, he may by notice require that such Supply be continued only in accordance with such protective Conditions and Regulations as he may prescribe therein, and in default of compliance therewith, may require such Supply to be forthwith discontinued. Private
Lines
affecting
Telegraph
Line of the
Post-
master-
General.

Provided that—nothing in this sub-section shall apply to used in accordance with any Conditions and Regulations the Bd. of T. Exemption.

(3) *Penalty* £20 (recoverable summarily) on default of compliance with any Notice under this Section, and the court may make an Order directing and authorizing the removal of the Electric Line or Work by such Person, and upon such Terms, as they may think fit.

- Sec. 35. (4) Service of Notices under this Section. * *
- Definition. (5) In this Section—
“Street” shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place *whatever*.
“Telegraphic Line” shall have the same meaning as in the “Telegraph Act, 1878” (*sec. 2, p. 265*).
- Saving. (6) Saving for Postmaster-General.
-

36. Application of Act to Scotland.

37. Application of Act to Ireland.

BOARD OF TRADE RULES,
WITH RESPECT TO
APPLICATIONS FOR LICENCES AND
PROVISIONAL ORDERS,
UNDER THE
ELECTRIC LIGHTING ACT, 1882 (Sec. 5).

CONTENTS.

TIONS

- 4. Consent of L. A. to Application.
 - 7. Notices by Applicants.
 - 12. As to Applications generally, Deposits, Map, etc.
 - 16. Procedure by Applicants.
 - 17. Special Provisions as to Provisional Orders ; also—
- Summary of Dates of Proceedings for obtaining, or on grant of, P. O. (p. 276).

BOARD OF TRADE RULES,

UNDER THE

ELECTRIC LIGHTING ACT, 1882,

(Sec. 5.)

Rules made by the Board of Trade with respect to Applications for Licences and Provisional Orders,* etc., under the Electric Lighting Act, 1882 (sec. 5, p. 258).

CONSENT OF LOCAL AUTHORITY.

1. No Application for a Licence, or Renewal thereof, will be entertained unless proof is given of consent thereto of every L. A. affected † (*secs. 3, a, b, p. 255*).

2. No Application (other than from the L. A.) for a P. O. will be entertained unless proof of consent thereto of every L. A. affected, † or a request (giving the reasons therefore) to the Board to dispense with the consent of such Authorities as have not consented, is deposited by January 15th (*sec. 4, p. 257*).

3. Copies of any Agreements entered into with the L. A. relating to such consents (*secs. 1, 2*) to be deposited with Bd. of T.

4. Consent of L. A. to be by Resolution after Notice of Meeting, etc.

NOTICES.

5. Applicants to give Written Notice of their Intended Application to every L. A. or Company authorized to supply E. within the proposed Area, in the case of—

(a) A Licence, at the time of lodging their Memorial (*Rule 8*).

(b) A P. O., on or before Nov. 1st.

6. P. O. will not be granted except to whom the Notice (*sec. 4, a, p. 257*) was given.

* Summary of dates of proceedings for obtaining P. O. (p. 276).

† Viz., every L. A. having jurisdiction within the proposed Area of Supply.

7. Notice (*sec. 4, a, p. 257*), must be in writing, and served either—
- | | |
|---|--------------------------|
| (a) By leaving the same at the Local Authority's Office, | } on or before July 1st. |
| (b) By Registered Letter so as to be delivered | |

APPLICATION AND DEPOSITS.

Memorial, Draft Licence, or Order.

8. Application for a Licence or P. O. to be by Memorial signed and sealed by the Applicants (headed with a descriptive title corresponding with that of the Advertisement, *Rule 13*), and accompanied by six Copies of the Draft Licence or P. O. with the Schedules referred to therein.

9. Copies, as aforesaid, must be in print (on one side only), each Schedule to begin a new page, and the names and addresses of the Parliamentary Agents or Solicitors to be on the outside of the Draft.

A Notice must be appended at end of Draft stating that objections are to be made to the Bd. of T. by letter (endorsed "Electric Lighting Acts") as follows—in the case of—

- a) A Licence, within 2 months from the date of the first Advt. of the Application;
 - b) A P. O. on or before January 15th;
- and that a Copy of such Objection is to be sent to the said Parliamentary Agents or Solicitors.

The Draft must contain *inter alia*—

- a) The address and description of the Applicants;
 - b) A description of the proposed Area of Supply;
 - c) A statement of the purposes for which a Supply is to be given, viz., any or all of the "Public" or "Private Purposes" specified in *sec. 3, c, d.*, of the "Electric Lighting Act, 1882" (*p. 256*);
 - d) Provisions concerning the breaking-up of Streets, Railways, and Tramways (where such powers are sought);
 - e) Conditions of Supply;
 - f) Provisions for securing the safety of the Consumer and the Public from injury by shock, fire, or otherwise;
 - g) Provisions for enforcing the performance by the Und. of their duties and for the revocation of the Licence or P. O. on failure to perform the same.
- Copies of Draft to be deposited for sale (*Rule 13, f.*).

MAP.

- h) The Applicants must also deposit with the Bd. of T., and Public Inspection at the Office of the Clerk of the Peace for

every County, Riding, or Division, and with the L. A. of every District touched, a Published Map of the District, on a scale of not less than 6 in. to a mile (or, if none be published, then the best procurable), showing the Boundaries of the proposed Area of Supply and the Streets in which it is proposed that Electric Lines should be laid down within a specified time.

Such deposit to be made, in the case of—

- (a) A Licence, when the Memorial is lodged ;
- (b) A P. O., on or before November 30th.

11. There must also be deposited with the Memorial—
A List of—

- (a) Local Authorities in whose Districts the Area of Supply is situated ;
- (b) Local Authorities, or Companies, authorized to supply E. within such Area ;
- (c) Streets *not* repairable by a L. A., and of the Railways and Tramways it is proposed to take powers to break up ;
- (d) Canals and Navigable Rivers within such Area ; also—
- (e) A statement of the Capital proposed to be expended and employed, and the mode of providing the same, or, in the case of a L. A., a statement of the sums proposed to be expended ;
- (f) If the Applicants are a Company incorporated under the provisions of the Companies' Acts, a copy of the Memorandum and Articles of Association ;
- (g) A Fee of £50 by cheque to an " Assistant Secretary of the Bd. of T." to cover ordinary expenses. The Applicants also to pay any additional expense incurred by Inquiries or otherwise.

12. Applications for consent of Bd. of T. to break up Private Streets, Railways, or Tramways under Sec. 13, E. L. Act, 1882 (*p.* 261), must be made by Memorial specially requesting such consent and describing accurately the Streets, Railway, or Tramway it is proposed to acquire power to break up.

PROCEDURE.

Advertisement.

13. Applicants for a Licence (subject to the Application having been previously entertained by the Bd. of T., *Rule* 1), or for any P. O., must publish Notice of their Application, or, in the case of a P. O., of their intended Application, by Advt.

Such Advt. to contain the following particulars—

- (a) The objects of the Application ;
- (b) Address and description of the Applicants ;

- (c) Description of the proposed Area of Supply ;
 - (d) Names of the Streets in which it is proposed that Electric Lines should be laid down within a specified time ;
 - (e) List of the Streets *not* repairable by a L. A., and of the Railways and Tramways it is proposed to take powers to break up ;
 - (f) Address of an Office in London and in the Area of Supply, at which printed copies of the Draft, and of the Licence or P. O., when made, can be obtained at a price not exceeding 1s.
- (2) The Advt. to be headed with a short title, descriptive of Undertaking (corresponding with heading to Memorial), and stating that objections to Application are to be made to the Bd. of T. by letter endorsed "Electric Lighting Acts") as follows—in the case of—
- (a) A Licence, within 2 months from the date of the 1st Advertisement of the Application ;
 - (b) A P. O., on or before January 15th ;
- and that a Copy of such objection is to be sent to the Parliamentary Agents or Solicitors.
- (3) The Advt. must be inserted two successive weeks in the same Newspaper, published and circulating in the proposed Area of Supply or in such other Newspaper as the Bd. of T. may direct) and once in the *London Gazette*.
14. Objections to any Application must be made to the Bd. of T. by Letter (endorsed "Electric Lighting Acts"), and any Clauses or other Amendment which any Local or other Authority, or Company may desire to have inserted must be delivered, in the case of—
- (a) A Licence, within 2 months from the date of the 1st Advt. of Application ;
 - (b) A P. O., on or before January 15th.
- Copies must be served upon the Parliamentary Agents or Solicitors.
15. On the Grant of a Licence or P. O. the Applicants must—
- (a) Deposit printed Copies for public inspection in the Office of the Clerk of the Peace for every County, Riding, or Division, and of the L. A. of every District ; affected ;
 - (b) Supply Copies at a cost not exceeding 1s. each ;
 - (c) Further publish the same as the Bd. of T. may direct.
16. Where in a Licence or P. O. granted by the Board, a deposited Map is referred to, the Promoters must within one month, deposit with the Board a published Map of the District in a Scale, of not less than 6 in. to a mile (or if none be published, then the best procurable) showing the Area of Supply coloured to correspond with the description in the Licence or P. O.

The Map must be mounted on linen, and be certified as correct as regards their respective Districts by the Clerk or Surveyor of every L. A. having jurisdiction within the Area of Supply.

SPECIAL PROVISIONS AS TO PROVISIONAL ORDERS.

17. In the Case of a P. O., the following Additional Regulations must be observed—

- (a) Advertisements inserted in October or November (*Rule 13*);
- (b) Copy of Advt. deposited on or before Nov. 30th at the Offices specified in Rule 10;
- (c) Memorial lodged on or before Dec. 21st (*Rules 8, 9*);
- (d) The Parliamentary Agents or Solicitors must be prepared to prove compliance with the Acts and these Rules by Jan. 15th, and all such proofs must be completed by Feb. 22nd. Six days' Notice will be given them to attend for that purpose at the Bd. of T.

Printed "Forms of Proof" will accompany the Notice, which are to be filled up and brought with the requisite Documents at the time fixed for receiving Proof.

NOTE.—When Applications are received from the L. A., and also from any other Authority or Company, preference will be given to the Application of the former Authority where, in the opinion of the Bd. of T., no special reason exists to the contrary.

When objection is made to any Application by any Person locally interested, the Bd. of T. will, if they consider it expedient, hold a Local Inquiry.

SUMMARY OF DATES OF PROCEEDINGS FOR OBTAINING PROVISIONAL ORDERS.

| DATES. | | RULES. |
|-------------------------------|--|------------------------|
| July 1st. | Last day for giving Notice of Application to L. A. | 6, 7 |
| Oct. 1st to } Nov. 30th. } | Advertisements to be inserted | 13, 17 (a) |
| Nov. 1st. | Last day for giving Notice of Application to authorized Undertakers in the same Area . | 5 |
| Nov. 30th. | Last day for depositing Copies of Map . . . | 10 |
| " | " " " Advertisement | 13, 17 (b) |
| " | " Parliamentary Deposits . . . | { See Standing Orders. |
| Dec. 21st. | " lodging Memorial and Copies of Draft P. O. | 8, 9, 11, 17 (c) |
| Jan. 15th. | Last day for Proof of Consent of L. A. . . . | 2, 3, 4 |
| " | " objections to be made | 9, 13, 14 |
| " | Proof of compliance with Acts and Rules to be ready | 17 (d) |
| Feb. 22nd. | Last day for completing Proofs | 17 (d) |

On the Grant of a Provisional Order.

| | RULE |
|--|------|
| Copies of the same to be deposited | 15 |
| Map to be deposited within one month . . . | 16 |

DRAFT PROVISIONAL ORDER,
PREPARED BY THE
BOARD OF TRADE,
UNDER THE
ELECTRIC LIGHTING ACTS,
1882-1888,

FORM I.* UNDERTAKERS BEING A LOCAL AUTHORITY.

CONTENTS.

SECTION

- | | | | | | | | |
|---|---|---|---|---|---|---|--------|
| 1. * | * | * | * | * | * | * | * |
| 2. Definitions. | | | | | | | |
| 3. Commencement of Order. | | | | | | | |
| 4. Address and Description of Undertakers. | | | | | | | |
| 5. Area of Supply. | | | | | | | |
| 6. Nature and Mode of Supply. | | | | | | | |
| 7. Purchase and use of Lands. | | | | | | | |
| 8. Powers for execution of Works. | | | | | | | |
| 9. Street Boxes. | | | | | | | Works. |
| 10. Notice and Plan to be served on Postmaster-General. | | | | | | | |
| 11. As to Streets not repairable by the L. A. (or County Council), Railways, Tramways, and Canals. | | | | | | | |
| 12. Street Authority, etc., may give Notice of desire to break up Streets on behalf of Und. | | | | | | | |
| 13. As to the alteration of Pipes, Wires, etc., under Streets. | | | | | | | |
| 14. Laying of Electric Lines, etc., near Gas or Water-pipes, or other Electric Lines. | | | | | | | |
| 15. Protection of Railway and Canal Companies. | | | | | | | |
| 16. Protection of Telegraphic and Telephonic Works. | | | | | | | |

* Form II. applies where Undertakers are a Company or person, and is not included in this Work.

SECTION

- | | |
|---------------------------|--|
| Compulsory Works. | 17. Mains, etc., to be laid down in Streets specified in 2nd Schedule, and in remainder of area of Supply. |
| | 18. On failure of Und. to lay Mains, etc., Bd. of T. may revoke P. O. |
| | 19. Manner in which Requisition of Und. is to be made. |
| | 20. Provisions on Requisition by Owners or Occupiers. |
| Supply. | 21. Und. to furnish sufficient Supply to Owners and Occupiers. |
| | 22. Maximum Power. |
| | 23. Penalties for failure to supply Energy. |
| Price. | 24. Methods of charging. |
| | 25. Maximum Prices. |
| | 26. Other charges by agreement. |
| Electric Inspectors. | 27. Appointment of Electric Inspectors. |
| | 28. Remuneration of Electric Inspectors. |
| | 29. Inquiry by Bd. of T. |
| | 30. Testing of Mines by Electric Inspectors. |
| Testing and Inspection. | 31. Testing of Works and Supply on Consumers' Premises. |
| | 32. Und. to establish Testing Stations. |
| | 33. Und. to keep Testing Instruments at Supply Station. |
| | 34. Readings of Instruments. |
| | 35. Electric Inspectors to have access to Testing Stations. |
| | 36. Und. may be represented at Testings. |
| | 37. Penalties for withholding facilities for Inspection. |
| | 38. Report as to Results of Testings. |
| | 39. Payment of Inspector's Fees and Expenses. |
| Meters. | 40. Amount of Energy supplied or Electrical Quantity therein, to be determined by duly certified Meters. |
| | 41. Meters to be certified. |
| | 42. Inspector to certify Meters. |
| | 43. Und. to supply Meters on request. |
| | 44. Penalty for connecting or disconnecting Electric Lines from Meter without Notice. |
| | 45. Consumer to keep his Meter in proper order. |
| | 46. Und. may let Meters. |
| | 47. Und. to keep Meters in repair. |
| | 48. Differences as to correctness of Meter, etc., to be settled by Inspector. |
| | 49. Und. to pay Expenses of providing New Meters when method of charge altered by them. |
| | 50. Check Meters. |
| Maps. | 51. Map of Area of Supply to be kept. |
| Revenue, etc. | 52. Application of Revenue. |
| | 53. Application of Capital Moneys. |
| Notices. | 54. Notices may be printed or written. |
| | 55. Service of Notices. |
| Revocation of Order, etc. | 56. Revocation of P. O. on failure of Und. to execute Works. |
| | 57. Revocation of P. O. with consent of Und. |
| | 58. Provisions when P. O. revoked. |
| | 59. Transfer of powers. |
| General. | 60. Remedying of System and Works. |
| | 61. Publication of Regulations, etc., made by Bd. of T. under P. O. or Act. |
| | 62. Nature and amount of Security required under P. O. |
| | 63. Proceedings of Bd. of T. |
| | 64. As to Approval or Consent of Bd. of T. |
| | 65. Notice of Approval of Bd. of T. to be given by Advt. |

SECTION

66. Recovery and Application of Penalties.
67. Und. to be responsible for Accidents, etc., occurring through their Act.
68. Incorporation of secs. 264-285, P. H. Act, 1875.
69. Saving for Postmaster-General.
70. Saving Rights of the Crown in the Foreshore.
71. Und. not exempted from Proceedings for Nuisance.
72. Provision as to General Acts.

SYNOPSIS OF

DRAFT PROVISIONAL ORDER,*

PREPARED BY THE

BOARD OF TRADE,

UNDER THE

ELECTRIC LIGHTING ACTS,

1882-1888,

(WHERE THE UNDERTAKERS ARE A LOCAL AUTHORITY.)

2. Definitions.

| | | |
|---------------------|-------------------|--|
| "Principal Act" | <i>shall mean</i> | Electric Lighting Acts, 1882-1888. |
| "Energy" | " | Electrical Energy, and for the purpose of applying the provisions of the Principal Act to this Order, Electrical Energy shall be deemed to be an Agency within the meaning of Electricity as defined in the Electric Lighting Act, 1882, sec. 32 (p. 268). |
| "Power" | " | Electrical Power, or the rate per unit of time at which Energy is supplied. |
| "Main" | " | Any Electric Line which may be laid down by the Und. in any Street or Public Place, and through which Energy may be supplied, or is intended to be supplied, by the Undertakers for the purposes of General Supply. |
| "Service Line" | " | Any Electric Line through which Energy may be supplied, or is intended to be supplied, by the Und. to a Consumer, either from any Main or directly from the Premises of the Und. |
| "Distributing Main" | " | The portion of any Main which is used for the purpose of giving origin to Service Lines for the purpose of General Supply. |
| "General Supply" | " | The general supply of Energy to ordinary Consumers, but shall not include the supply of Energy to any one or more particular Consumers under Special Agreement. |

* * * * *

* See Summary of Dates for obtaining P. O., p. 276.

"Consumers' Terminals" *shall mean* The ends of the Electric Lines situate upon any Consumer's Premises, and belonging to him, at which the supply of Energy is delivered from the Service Lines.

"Telegraphic Line," of P. G. , As defined by the "Telegraph Act, 1878," and any such Telegraph Line shall be deemed to be injuriously affected when Telegraphic Communication by means of such Line is whether through induction or otherwise), in any manner affected.

* * * * *

3. Commencement of Order.

4. Description of Undertakers

5. Area of Supply.

6. Nature and Mode of Supply.

Und. may supply Energy (*def. sec. 2*) for all Public and Private Purposes (*def. p. 256*), provided that—

- (1) Such Energy shall be supplied on some system approved by the Bd. of T., and subject to Regulations ensuring public safety and sufficiency of Supply. System to be approved by Bd. of T.
- (2) No Electric Line shall (except with the consent of the Bd. of T.) be placed above ground, except— Lines to be below ground, except with consent of Bd. of T.
 - (a) On Und. own Premises; or
 - (b) A Service Line necessarily so placed for the purpose of Supply.
- (3) Und. shall not permit circuit to be connected with Earth, except— Circuit not to be connected with earth.
 - (a) Where necessary for carrying out the aforesaid Regulations (1);
 - (b) With the consent of the Bd. of T., with the concurrence of the Postmaster-General.

LANDS.

7. Purchase and Use of Lands.

Except with consent of Bd. of T., any Lands purchased and leased shall not exceed 5 acres in the aggregate, nor more than 10 Houses wholly or partially occupied by the Labouring Classes, taken. Houses of Labouring Classes.

* * * * *

WORKS.

3. Powers for Execution of Works.

The provisions of this Section are practically embodied in sec. 13 of the Electric Lighting Act, 1882 (*p. 261*); also see sec. 11 (*p. 282*), of this Act.

9. Street Boxes.

Und. may construct Street Boxes with Ventilating Apparatus thereto, and may place therein Meters, Switches, and other suitable Apparatus, both Boxes and Apparatus to be used exclusively for—

- (a) Leading off Service Lines (*def. p. 280*) and other distributing Conductors;
- (b) Examining, testing, regulating, directing, or controlling the supply of Energy;
- (c) Examining, or testing the condition of the Mains, etc.;
- (d) Other like purposes.

Street
Boxes not
to be
dangerous.

Such Boxes, including coverings thereto, to be constructed of such materials and in such manner as not to be dangerous by reason of inequality of surface or otherwise.

10. Notice of Works, with Plan, to be served on Postmaster-General.

Where any Works (including Street Boxes) are placed in, under, along, or across any Street, or Public Bridge, the following provisions shall have effect—

- (a) One Month before commencing such Works (not being merely repairs or renewals, without alteration to character or position) Und. to serve Notice upon Postmaster-General,* together with Plan showing Works and nature of interference with any Road or Bridge.

* * * * *

Appeal to
Bd. of T.

- (c) Where such Works or Plan are disapproved, or where any amendments or conditions of an unsatisfactory nature are imposed, Und. may Appeal to the Bd. of T.

- (d) If approval or disapproval be not notified within one month from service of Notice, such Works or Plan shall be deemed to be approved.

* * * * *

- (f) *Penalty* £10 and £5 *daily* on Und. for non-compliance (unless the Court determine the case to be one of emergency, and that compliance, as far as reasonable under the circumstances, had been made); also full compensation to Postmaster-General for loss or damage incurred by non-completion.

This Section shall not exempt Und. from any Compensation, Penalty, or obligations to which they may be liable for injury to any Telegraphic Line of the Postmaster-General.

11. As to Streets not Repairable by the L. A. (or County Council), Railways, Tramways, and Canals.

Where any Works are placed in any Street not repairable by the L. A. (or County Council), or over or under any Railway, Tramway, or

* If such Road or Bridge be repairable by a County Council (where not a County Borough), a similar Notice shall be served on such County Council.

Canal, the following provisions shall have effect, unless otherwise agreed—

- (a) One month before commencing such Works (not being merely Works of repair, or renewal, without alteration to character or position), Und. to serve Notice upon the respective Authorities, together with Plan showing Works and nature of interference.

* * * * *

- (c) Any question as to such Works, Compensation, Notice, or Plan, to be settled by Arbitration.

* * * * *

- (g) 24 hours' Notice to be given (except in cases of emergency) where existing Works, involving interference with Railway Level Crossing, or Tramway, require repair, renewal, or amendment.

24 hours' Notice of repairs interfering with Rail or Tramway.

- (h) Penalties for non-compliance, as in Sec. 10, *f*.

12. Street Authority, etc., may give Notice of Desire to break up Streets, etc., on behalf of Und.

This Section provides for—

Service of Notice upon Und. by any Street, Railway, or Tramway Authorities, notifying their desire (if such be the case) to themselves discharge or execute the powers and duties of the Und. in relation to the breaking up, filling in, reinstating, or making good any Streets, Bridges, Sewers, Drains, Tunnels, or other Works vested in them.

Procedure in case of emergency, or on failure of such Authorities to exercise such powers and duties after due requisition from Und. to commence; also as to payment by Und. of expenses incurred by such Authorities.

Works of emergency, etc.

Penalties on Und. for non-compliance.

13. As to the Alteration of Pipes, Wires, etc., under Streets.

This Section provides for—

The service of Notice (one month), together with a plan, by—

Notices.

- (a) Und., prior to altering the position of any Pipes or Wires belonging to any Persons ;

- (b) Any Persons prior to altering the position of any of the Und. Electric Lines or Works ;

where the same interfere with the exercise of any of their powers.

Settlement of any question as to Works or Compensation, by Arbitration.

Arbitration. Authorities may themselves make alterations.

Service of Notice on Und., or such other Persons (as the case may be), notifying their desire (if such be the case) to themselves execute such alterations.

Procedure, in case of failure to proceed with alterations after due requisition to commence ; also as to payment of expenses incurred.

Penalties for non-compliance.

14. Laying of Electric Lines, etc., near Gas or Water Pipes, or other Electric Lines.

This Section provides for—

Notices. The giving of 3 days' Notice (except by Agreement or in case of emergency) by—

(a) Und. prior to laying any new Electric Lines (other than Service Lines) or other Works, near to any Main, Pipe, Syphon, Electric Line, or other Works belonging to any Gas, Electric Supply, or Water, Company ;

(b) Any Gas or Water Company prior to laying any new Mains or Pipes (other than Service Pipes), or other Works near to the Lines or Works of the Und.

Insulation of Electric Lines. The Insulation (to the satisfaction of the Bd. of T.) of such Electric Lines, when crossing or liable to touch any Main, Pipes, Lines, or Services. Such contact only to be with the consent of the Owners or of the Bd. of T.

The Settlement of all differences by Arbitration.

Penalties for non-compliance.

15. Protection of Railway and Canal Companies.

Und. not to injure any Railways, Canals, Tunnels, Arches, Works or Conveniences belonging thereto, or interfere with the traffic thereon.

16. Protection of Telegraphic and Telephonic Works.

(1) Und. shall take reasonable precautions to prevent their Works "injuriously affecting" any Telegraphic, Telephonic, or Electric Signalling Wire or Line (*def. Telegraphic Line, p. 281*), or the currents therein.

Differences to be settled by Arbitration.

Notices. (2) Und. shall give 7 days' Notice (with particulars of proposed Works, nature, and amount of Currents and Earth Returns, etc.), prior to laying down any Works whereby such Wires or Lines may be injuriously affected, and to observe all reasonable precautions to prevent injury.

Differences to be settled by Arbitration.

(3) Penalties for non-compliance.

* * * * *

COMPULSORY WORKS.

17. Mains, etc., to be laid down in Streets specified in 2nd Schedule and in remainder of Area of Supply.

(1, 2) Und. to lay down and maintain Distributing Mains—

(a) Within 2 years from commencement of the P. O., throughout every Street specified in Schedule 2 (p. 291);

(b) After 18 months from commencement of the P. O., and within 6

months (or other period approved by the Bd. of T.) from Sec. 17. any Requisition made under Sec. 19, throughout every other Street within the Area of Supply.

(3) As to breaking up any Street not repairable by the L. A., and not mentioned in Schedule 3, see Sec. 13, E. L. Act, 1882 (p. 261). Breaking-up of Private Streets.

18. If Und. fail to lay down Mains, etc., in accordance with this, P. O., Bd. of T. may revoke all or part of P. O. Revocation of P. O.

19. Manner in which Requisition on Und. is to be made.

Any Requisition requiring the Und. to lay down Distributing Mains (*def. p. 280*), etc., throughout any Street or part thereof, may be made by 6 or more Owners or Occupiers therein.

Und. to supply Forms of Requisition gratis to Owners and Occupiers of Premises within Area of Supply. Forms of Requisition to be supplied.

20. Provisions on Requisition by Owners or Occupiers.

This Section provides for—

Service of Notice by Und. upon Requisitioners (within 4 days from Requisition) declining to be bound by Requisition unless such specified amount of Energy is guaranteed to be taken for 3 years, as will provide annually a sum (specified in the Notice) not exceeding 20 per cent. of the expense of providing all necessary Mains and connecting same with the nearest available source of Supply. Requisitioners, if required, to guarantee amount of Energy to be taken.

After Service of such Notice, Requisition not to be binding on Und. Agreement, unless within 14 days from service thereof, the Requisitioners tender Agreement embodying such guarantee with sufficient security, if required, for its due execution.

Appeal by Und. to Bd. of T. where Requisition deemed to be unreasonable. Appeal.

Any difference as to such Notice or Agreement to be settled (subject to provisions of this Section and the decision of the Bd. of T. upon such appeal) by Arbitration. Arbitration.

SUPPLY.

21. Und. to furnish Sufficient Supply to Owners and Occupiers.

Und. to provide any Premises situate within 50 yards from a Distributing Main (*def. p. 280*), with a supply of Energy if required by the Owners or Occupiers, and shall lay any Electric Lines necessary to supply the Maximum Power (*def. sec. 22*) to which such Owner, etc., may be entitled, subject to the following conditions—

(1) Such Owner or Occupier (if required by the Und.) to defray so much of the cost of the Electric Line as is— Proportion of Cost to be borne by Owner, etc.

(a) Laid upon his Premises;

- Sec. 21. (b) Laid for a greater distance than 60 feet from the Distributing Main, although not on his Premises.
- (2) Every such Owner and Occupier shall—
- Notice. (a) Serve Notice on Und. specifying the Premises to be supplied, the Maximum Power required, and the first day when such Supply is required ;
- Contract. (b) Enter into a Written Contract, if required, to pay for 2 years at least, for a Supply of such amount that the annual payment shall not be less than one-fifth of the Und. outlay upon the Electric Lines required, and give security for payment.
- This Section also provides—
- Discontin-
uance of any form of Lamp or Burner, or utilizes such Energy in such manner,
Supply. as to unduly interfere with the efficient supply to any other Persons.
- That the Und. shall not be compelled to supply any Premises where the Electric Lines and Fittings are not in good order, or are calculated to injuriously affect the use of Energy by the Und. or other Persons.
- Arbitra-
tion. That differences as to improper use of Energy, defective Lines or Fittings, shall be determined by Arbitration.

22. Maximum Power.

The Maximum Power to which any Consumer is entitled shall be “of such amount as he may require to be supplied with, not exceeding what may be reasonably anticipated as the Maximum Consumption on his Premises.”

Notice of
alteration
to Maxi-
mum
Power. Provided that—before requiring any alteration to the Maximum Power supplied at his request, he shall serve one month’s Notice on the Und., and bear all reasonable expenses in respect of Service Lines (*def. p. 280*), or of Fittings or Apparatus upon such Premises consequent upon such alteration.

Arbitra-
tion. Any difference as to what may be “reasonably anticipated as the consumption,” or as to the reasonableness of such expenses to be determined by Arbitration.

23. Penalties on Und. for failure to supply Energy.

* * * * *

Provided that—no Penalty shall be inflicted if the Court consider the default to be caused by inevitable accident or *force-majeure*, or was of so unimportant a character as not materially to affect the value of the Supply.

PRICE.

24. Methods of charging.

The charge for Energy (*def. p. 280*) supplied to ordinary Consumers (otherwise than by Agreement) shall be by—

- (a) The actual amount of Energy supplied ; or
 (b) The Electrical quantity contained in such Supply ; or
 (c) Such other Method as may be approved by the Bd. of T. (except where the Consumer, by one month's Notice, requires to be charged at the Undertaker's option by either of the previous Methods *a* or *b*).

Sec. 24.

Provided that—prior to supplying Energy through any Distributing Method of Main (*def. p. 280*), the Und. shall by public Advertisement notify the Method of charging, which Method shall not be changed except after one month's Notice to each Consumer supplied from such Main. Method of charging to be Advertised.

25. Maximum Prices.

The charges for Energy (*def. p. 280*) to be as follows—

- (1) When charged by Methods *a* or *b* (*see previous section*).

* For any amount up to 20 units, 13s. 4d.

For each unit over 20 units, 8d.

Provided that—as regards Method *b*, the amount of Energy shall be taken to be the product of such Electrical quantity and the declared pressure at the Consumer's Terminals.

The expression “Unit” shall mean the Energy contained in a current of 1000 Amperes flowing under an E. M. F. of one Volt for one hour. Def. “Unit.”

- (2) When charged by Method *c*, as shall be determined by the Bd. of T. on approving such Method.

26. Other Charges by Agreement.

Subject to this P. O. (*secs. 24, 25*), and of the Principal Act (*def. p. 280*), the Und. may agree with a Consumer as to the charges for Energy (*def. p. 280*), and the mode of ascertaining the same.

ELECTRIC INSPECTORS.

27. Appointment of Electric Inspectors.

The Bd. of T. may, on the application of any Consumer or of the Und., appoint Electric Inspectors, and may prescribe their Fees, and the manner and time in or at which their duties are to be performed.

Duties of Inspectors, viz. :—

- (a) Inspection and Testing of the Und. Electric Lines, Works and supply of Energy. Duties of Inspectors.
 (b) Certifying and Examination of Meters.
 (c) Such other duties as may be required under this P. O., and any Regulations under the same.

28. Remuneration of Electric Inspectors.

This Section provides for—

* These charges are embodied in Schedule 4 of the P. O., but are inserted here for convenience.

Sec. 28. The fixing (by the Bd. of T.) of such Inspector's remuneration, either in addition to, or in substitution of, any Fees (*sec.* 27), and in the latter case, the payment of such Fees to the Local Rate.

29. Inquiry by Bd. of T.

The Bd. of T. may appoint Electric Inspector to inquire as to—

- (a) Any accidents affecting public safety, occasioned by or in connection with the Und. Works.
- (b) The manner and extent to which the powers and duties of the Und., so far as they affect public safety, have been exercised.

TESTING AND INSPECTION.

30. Testing of Mains by Electric Inspectors.

This Section provides for—

- (a) The giving of reasonable Notice to the Und. prior to Testing any Main (*def.* p. 280).
- (b) The making of Tests at such hours as will interfere least with the supply of Energy (*def.* p. 280).

Tests to be made only at such points as the Und. have reserved for themselves access, and no Tests of any particular portion of Main shall be repeated oftener than once in 3 months, except in either case by Special Order of Bd. of T.

31. Testing of Works and Supply on Consumer's Premises.

On payment of prescribed Fee by Consumer, the Electric Inspectors shall Inspect or Test the—

- (a) Variation of Electric Pressure at Consumer's Terminals (*def.* p. 281); or
- (b) Und. Service Lines (*def.* p. 280), Apparatus, etc., upon the Consumer's Premises.

in order to ascertain whether the Undertaker's duties have been complied with.

32. Und. to establish Testing Stations.

A Court of S. J. may, on application of 10 consumers, require Testing Stations to be established and maintained with suitable Testing Instruments of a pattern approved by the Bd. of T.

33. Und. to keep at every Supply Station suitable Instruments approved by, and to take observations prescribed by, the Bd. of T.

34. Readings of Instruments.

Und. to keep the Instruments at any Testing or Supply Station in efficient order, and to permit the Electric Inspectors to examine and record the readings thereof.

35. Electric Inspectors to have access to Testing Stations and Und. Premises for Testing, etc., purposes.

36. Und. may be represented at all Testings.

37. Penalties on Und. for withholding facilities for Inspection, etc.

38. Report of Results of Testing.

Report of result of Testing to be made by the Inspector on the following day to the Und. and Persons requiring the same to be made. Dissatisfied parties may Appeal to Bd. of T.

39. Payment of Inspectors' Fees and Expenses.

METERS.

40. Except otherwise agreed, the amount of Energy (*def. p. 280*) supplied, or the Electrical quantity therein (*sec. 24*), shall be determined by "duly certified" Meters (*sec. 41*).

41. Meters to be Certified.

Meters shall be considered "duly Certified" if certified by the Inspector to be correct, and to be of construction and pattern, and to have been fixed and connected with Service Lines (*def. p. 280*), in manner approved by the Bd. of T. Meters to be re-certified after alterations.

42. Inspector to examine and certify Meters at request of Und. or Consumers on payment of prescribed Fee.

43. Und. to supply Meters on request of Consumers and on payment of reasonable cost thereof, and to fix and connect the same with Service Lines and procure Certificate (*sec. 42*).

44. Penalty for connecting to, or disconnecting from, any Meter any Electric Line without giving 48 hours' Notice to Und.

45. Consumer to keep his Meter in Proper Order.

The Und. may Remove, Test, Inspect, and Replace any Consumer's Meter, all expenses whereof (including cost of Re-certifying) to be paid by the Consumer or Und., according as the Meter may be found faulty or otherwise. Und. may discontinue Supply through faulty Meter.

46. Und. may let Meters on such remuneration and terms as may be agreed, or, in case of dispute, as may be determined by the Bd. of T.

47. Und. to keep their Meters in proper order (except otherwise agreed). Consumer not liable for Rent whilst same out of repair.

48. Differences as to correctness of Meter, or registered value of Supply, to be settled by Inspector; otherwise and in absence of fraud, register of Meter to be conclusive.

49. Und. to pay Expenses of providing new Meters where Method of Charge altered by them (*sec.* 24).

50. Check Meters.

In addition to any other Meter, the Und. may at their own expense place Check Meters on Consumer's Premises between their Mains (*def. p.* 280) and Consumer's Terminals (*def. p.* 281), to ascertain or regulate the Energy (*def. p.* 280) supplied, hours' duration of Supply, and Maximum Power (*def. sec.* 22), etc.

Such Meter to be constructed and connected with the Service Lines in manner approved by the Bd. of T.

MAPS.

51. Map of Area of Supply to be kept.

Und. to keep a correct Map of the Area of Supply with position and depths of Mains, Service Lines (*def. p.* 280), and other Underground Works and Street Boxes, and, if required by the Bd. of T. or Postmaster-General, shall make Sections showing levels of existing Mains and Underground Works (other than Service Lines) and supply them or him with a Copy of such Map or Section.

Map to be
open to
inspection.

Such Map and Section shall be open to inspection, on payment of the prescribed Fees, at the Und. principal Office within the Area of Supply.

Penalties for non-compliance

* * *

APPLICATION OF MONEYS RECEIVED.

52. Application of Revenue.

53. Application of Capital Moneys.

NOTICES, ETC.

54. Notiees, etc., may be Printed or Written.

55. Services of Notiees, etc.

REVOCATION OF ORDER.

56. Revocation of Order after Inquiry by Bd. of T. where Und. fail to execute the Works or to supply Energy (*def. p.* 280) in accordance with this P. O.

57. Revocation of P. O. with consent of Und.

58. Provisions where P. O. revoked.

This Section provides for—

The removal (where the P. O. is revoked) by Persons liable to Sec. 58. repair the Streets, of any of the Und. works at the cost of the Und., and the procedure to be adopted for recovery of such costs.

TRANSFER OF POWERS, ETC.

59. Und. may, with consent of Bd. of T., transfer their powers to any Company.

GENERAL.

60. Remedying of System and Works.

61. Publication of Regulations, etc., made by Bd. of T. under P. O. or Principal Act (*def. p.* 280).

62. Nature and amount of Security required under P. O.

63. Proceedings *re* Consent of Bd. of T.

64. Costs of Approval or Consent of Bd. of T.

65. Notice of Approval of Bd. of T. to be given by Advt.

66. Recovery and application of Penalties.

67. Und. to be responsible for all Accidents, Damages, and Injuries occurring through their act or default.

68. Incorporation of Secs. 264, 265, Public Health Act, 1875.

Viz., Sec. 264. Notice of Action against L. A. (*p.* 74).

Sec. 265. Protection of L. A. and their Officers from personal liability (*p.* 74).

69. Saving for Postmaster-General.

70. Saving Rights of the Crown in the Foreshore.

71. Und. not exempted from proceedings for Nuisance.

72. Provision as to General Acts.

SCHEDULES.

FIRST SCHEDULE (Sec. 5).

Area of Supply—

SECOND SCHEDULE (Sec. 17).

List of Streets and parts thereof, throughout which the Und. are to lay Distributing Mains within a period of 2 years after the commencement of this Order—

THIRD SCHEDULE (Sec. 8).

List of Streets *not* repairable by the L. A., and of Railways and Tramways which may be broken up by the Und. in pursuance of the special powers granted by P. O.—

- (a) Streets;
- (b) Railways.

The following Level Crossings—

- (c) Tramways.

FOURTH SCHEDULE (Sec. 25).

This Section deals with the charges for supply of Energy ; which charges are, for convenience, embodied in sec. 25, p. 287.

SYNOPSIS OF
REGULATIONS AS TO OVER-
HEAD WIRES.

Regulations for the Protection of the Public, also of the Postmaster-General's and other Electric Lines and Works prescribed by the Board of Trade under the Electric Lighting Act, 1888 (*sec. 4, p. 269*).

Definitions.

The Expressions used throughout these Regulations to bear the same meanings as assigned to them by the Electric Lighting Acts, 1882-1888, provided that the following expressions shall mean respectively :—

| Expression. | Definition. |
|-------------------------|--|
| Energy . . . | Electrical Energy. |
| Conductor . . . | Electric Wire or line used for supply of Energy. |
| Aerial Conductor . | A Conductor above ground and in open air. |
| Low-pressure Conductor | A Conductor in which the difference of Electric potential either between it and the Earth, or between it (or any part thereof) and any other Conductor on the same poles or supports does not exceed 300 volts if the supply be on the Continuous Current principle, or the equivalent of 150 volts if on the Alternate Current principle. (<i>A difference of potential on the Alternating Current principle to be deemed the equivalent of a difference of potential on the Continuous Current principle when it produces an equal heating effect if applied to the ends of a thin stretched wire of carbon filament.</i>) |
| High-pressure Conductor | A Conductor in which the difference is greater than that above described. |

REGULATIONS.

Aerial Conductors.

| | Along a Street. | Across a Street. | |
|--|-----------------------|------------------|---|
| 1.* (a) Minimum height from ground | 20 feet | 30 feet. | Height from ground, and distance from Buildings, etc. |
| (b) Distance from Buildings or other Erections, brought into a Building for purposes of Supply). | 6 feet (except where) | | |

* The numbers indicate the order in which the Sections are placed in the Official Regulations.

| | | Maximum intervals between Supports. |
|--|--|--|
| Maximum Intervals between Supports. | 2.* (a) Where the direction of the Conductor is straight. | } 200 feet. |
| | (b) Where the direction is curved, or makes a horizontal angle at the point of support | |
| Lightning Protectors. | 5. To be protected by efficient Lightning protectors, of pattern approved by the Bd. of T. | |
| Angle of crossing thorough- fares. | 6. Not to cross any Street at less angle than 60°, and the spans to be as short as possible. | |
| Crossing other Wires. | 7. Where crossing a Conductor or Suspended line used otherwise than for supply of Energy, precautions to be taken to prevent its contact with the same by breaking or otherwise. | |
| Maximum Working Current. | 8. The maximum working Current not to raise its Temperature to such extent as materially to alter the physical condition or specific resistance of the Insulatory Covering, or in any case beyond 30° F. Efficient Automatic means to be provided to prevent this maximum Current being exceeded by accident (even for short periods) by 25%. Special care to be taken that its cross-section area, and conductivity at joints (which are to be protected against Corrosion) suffice to avoid local heating. | |
| Unused Conductors to be removed. | 16. Not to be permitted to remain erected after it has ceased to be used for the supply of Energy, unless the owners intend to use it again within a reasonable time. | |
| Regard to be had to existing Electric Lines. | 17. To be placed and used with due regard to Electric lines and works (or the currents therein) used or intended to be used for telegraphic communication, and every reasonable means to be employed in the placing and using of aerial conductors to prevent injurious affection by induction or otherwise, to any such Electric lines or works or the currents therein. | |
| Main- tenance. | 15. Every Aerial Conductor, including its Supports, Structural parts, Electrical appliances and devices, to be efficiently supervised and maintained by the Owners as regards both Electrical and Mechanical Conditions. | |

High-pressure Aerial Conductors.

| | |
|-----------------------------------|---|
| Suspension of Con- ductors. | 12. To be efficiently suspended to Suspending Wires (<i>for factor of Safety, etc., see No. 3</i>) of non-metallic ligaments, so that the weight of the Conductor does not produce in it any tensile stress in the direction of its length. |
|-----------------------------------|---|

* The numbers indicate the order in which the Sections are placed in the Official Regulations.

The insulating Conductors and suspending Wires, where attached to Supports, to be in contact only with material of highly insulating quality and to be so attached and guarded that in case they break away, it shall not be possible for them to fall away clear of the support. Sec. 12.

13. Where carrying Alternating Currents, the 2 Conductors of any Current to run parallel and not exceeding 18 ins. apart. Alternating Currents.

9. Must be continuously insulated with durable and efficient material (approved by the Bd. of T.) of not less than $\frac{1}{10}$ in. thickness; and, where the extreme difference of potential in the Circuit exceeds 2000 volts, the thickness of Insulation (in inches) must not be less than the number obtained by dividing the Voltage by 20,000. Insulation.

The Insulation to be further efficiently protected on the outside against injury or abrasion, such protection, if wholly or partly metallic, to be efficiently connected to Earth, so, however, as not to unduly disturb other Electric Lines or works by Electrostatic Induction or otherwise.

10. The Insulating material to be such that its physical structure or condition will not be changed by exposure to any temperature between 10° F. and 150° F., or to the ordinary atmosphere of Manufacturing Towns. Insulating Material.

11. The Insulation resistance (including that on all devices for producing, consuming, and measuring Energy) to be such that should any part of the circuit be put to Earth, the leakage Current shall not exceed $\frac{1}{25}$ ampere in the case of Continuous Currents, or in the case of Alternating Currents, $\frac{1}{50}$ Ampere. Insulation Resistance.

An indicating device to be provided to continuously indicate if the Insulation Resistance of either Conductor fall below the above conditions. Indicator of Leakage.

Supports to Aerial Conductors.

3. To be of durable material, and properly stayed to resist wind pressure, change of direction of Conductors, or unequal spans. Construction and Erection of

The Conductors and suspending wires to be securely attached to Insulators fixed to the Supports. Supports.

The minimum factor of safety for the suspended wires to be 6, and for all other parts of the structure 12, the wind pressure being taken at 50 lbs. per square foot, no addition being made for snow. Factor of Safety.

4. Every metal support to be efficiently connected with Earth, and every wood (or other non-conducting Support) to have a Lightning Conductor projecting 6 inches at least above the support, and efficiently connected with earth. Connection of Support to Earth.

A support to be deemed efficiently connected to earth when—

- Sec. 4. (a) Connected to Metallic Mains for water supply outside of Buildings; or
 (b) To a mass of metal having a minimum total surface of 4 square feet, buried 3 feet at least in moist earth; provided that the Connecting Conductor must possess a mechanical strength, and offer a passage to Electrical discharges equal to that of a strand of seven No. 16 galvanized iron wires.

Owner to be responsible for Supports. 14. The owner of every Aerial Conductor shall be responsible for the efficiency of every support, and every support shall be marked (as the Bd. of T. shall approve) to indicate ownership.

General.

Notice and Plan sent to Postmaster-General. 18. A Notice describing every Aerial Conductor (together with plan showing its mode of erection and position) shall forthwith, on receipt of these Regulations, be served upon the Postmaster-General.

Postmaster-General may impose Conditions. 19. The Postmaster-General may after consideration of such Notice and Plan, require such alteration of position or mode of erection, or use of such Conductor, or compliances with such other Conditions as he may think fit; non-compliance with such requirements to be deemed a non-compliance with these regulations.

Notices may be Served—

- (a) On the Postmaster-General by being addressed to him and left at, or transmitted by post to, the G. P. O., London;
 (b) On the person owning or using any Aerial Conductor by being addressed to him and left at, or transmitted by post to, his office or last known place of address.

SYNOPSIS OF TELEGRAPH ACTS, 1863-1892.

(NOTE.—The Provisions of the above Acts are applicable to
Telephones, also (under Sec. 8, Tel. Act, 1892) to
Pneumatic etc. Tubes for transmitting Telegrams, etc.)

TELEGRAPH ACT, 1863.*

(26 & 27 VICT., CAP. 112.)

The Provisions of this Act (Tel. Act, 1863) are extended
by the Tel. Act, 1868, to the “Postmaster-General,” † and
the word “Company” herein includes the Postmaster-
General.

3. Definitions.

| Expression. | Definition. |
|---------------------|--|
| Street | A Public Way within a City, Town, or Village, or between Lands continuously built upon on either side, and repaired at the public Expense, or at the Expense of any Turnpike or other public Trust, or <i>ratione tenuræ</i> , including the Footpaths of such Way, and any Bridge forming Part thereof. |
| Public Road | A Public Highway for Carriages, repaired at the public Expense, or at the Expense of any Turnpike or other Public Trust or <i>ratione tenuræ</i> , and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the side and forming Part of such public Highway, but not including a Railway or Canal. |

* For power to make Byelaws for the prevention of danger from Over-
head Telegraph, etc., wires, see P. H. Acts Amendt. Act, 1890, secs. 13-15,
p. 102.

† As to application of Acts to Licensee of P. G., see Tel. Act, 1892, sec.
5, p. 307.

4. Incorporation of provisions of "Railways Clauses Consolidation Act, 1845," for recovery of Damages, Costs, Expenses, and Penalties.

5. As to service of Notices, and Consents and conditions attachable to Consents.

GENERAL POWERS (Secs. 6-8).

6. Description of Works which the Company may execute subject to the restrictions of this Act (see also Secs. 9-13 and 17-20), viz. :—

- (1) The placing, maintaining, altering, or removing of—
 - (a) A Tel. under any Street or Public Road (*def.*).
 - (b) Do. over, along, or across any Do. } see Sec. 23.
 - (c) Posts in or upon any Do. }
 - (d) A Tel. or posts under, in, upon, over, along, or across any Land, Building, Railway, Canal, Estuary, branch of Sea, shore or bed of Tidal Water (*secs.* 22, 24).

Breaking
up Streets.

- (2) Opening or breaking up (for the aforesaid purposes) any Street or Public Road, or altering the position thereunder of any Water or Gas pipe (not being a main), see also Secs. 9, 17.

Provided that the Company shall not thereby acquire any right in the Soil of any Street or public Road other than that of User.

Tel. Act, 1878, p. 304. Power to place Tel. across Highways, etc., sec. 6. Penalty for obstructing Tel. Works, sec. 9.

Tel. Act, 1892, p. 306. Tel. constructed irregularly, sec. 4. Power to place Tel. in Elec. Lighting Tubes, etc., sec. 6.

7. Provision as to Compensation for damage sustained by any Persons.

8. Provisions relative to removal or alterations of Gas and Water Pipes.

- (1) As little Detriment or inconvenience as possible to be caused to Owners of pipes.
- (2) 24 hours' Notice specifying time of commencement to

be given to Owners previous to commencing alterations. Sec. 8.

(3) Works to be executed under Owner's superintendence (unless withheld after specified time of commencement) and to their reasonable satisfaction.

(4) Company to pay Owner's reasonable expenses.

Such Owners may alter the position of any of the Company's Works on the same conditions as are hereinbefore imposed on him in relation to Owners under this and Sec. 7.

Alteration to Tel. caused by alteration to pipes, sec. 7, Tel. Act, 1878.

RESTRICTIONS AS TO TELEGRAPHS UNDER STREETS AND PUBLIC ROADS (*def.*) (Secs. 9-13).

9. Tel. not to be placed under Streets in Metropolis, Cities, Municipal Boroughs, or Towns Corporate, or in Towns of upwards of 30,000 population without consent of Road A.

Surface of Streets to be opened only after Notice to Road A., etc., sec. 17. As to placing Tel. over along across Streets in other large Towns, sec. 23.

Amendment as to consents of Road, etc., A., Tel. Act, 1878, secs. 3, 4. As to Tel. constructed irregularly, Tel. Act, 1892, sec. 4, p. 307.

10. Depth, Position, etc., of Underground Works to be agreed on between Company and the Road and Sewerage A.; also as to Mode of procedure in default of Agreement.

Amendt. referring Disputes to Stip. Mag. Tel. Act, 1878, sec. 4, p. 304.

11. Underground Tubes to have distinguishing mark.

12. Consent to be obtained from Road A. before placing a Tel. over along or across (or a Post in) any Street or public Road (*def.*).

Opening Surfaces of Roads, sec. 17. Power to establish Tel. on Highways, etc., authorized after Jan. 1st, 1878, Tel. Act, 1878, sec. 6, p. 304. As to consents, sec. 9, and Amendt. Tel. Act, 1878, secs. 3, 4, p. 304.

13. Where Landowner, etc., is liable for repairs of Streets or public Road (*def.*) (whether dedicated or otherwise), Tel. not to be placed thereon without his consent, in addition to consent of Road A.

Tel. Act, 1877. Amendt. as to Consents, secs. 3, 4. Tel. Act, 1892. Power of Raily. Com. to over-rule refusal to Consent, sec. 2. Tel. constructed irregularly, sec. 4, p. 306.

REMOVAL OF WORKS AFFECTING STREETS AND PUBLIC ROADS (Secs. 14–16).

14. If Works abandoned Road A. or Owner of Land (after 1 month's Notice), may remove same and recover cost by sale of materials.

Altered
levels, etc.,
of Streets.

15. In event of Alterations to line or level of Street or public Road (*def.*) the Company, after 1 month's Notice of intended alteration, shall remove and replace their Works under or over the same at their own expense and to satisfaction of Road A.

Amendt. referring disputes to Rail. Commissioners, Tel. Act, 1878, sec. 5, p. 304.

16. Procedure for removal of dangerous Posts placed in or upon a Street or public Road (*def.*) before the passing of this Act.

Amendt. referring disputes to Rail. Commissioners, Tel. Act, 1878, sec. 5, p. 304.

RESTRICTIONS AS TO OPENING OF STREETS AND PUBLIC ROADS (Secs. 17–20).

17. Streets or public Roads (*def.*) to be opened only after Notice to Road A. and under Superintendence.

Subject to any special stipulation the Company shall:—

(1) Give the Road or other A. (Secs. 10, 13) the following Notice before commencing work, viz.:—

In the case of underground works 10 days' Notice.

Do. above-ground „ 5 Do.

except in emergencies when earliest possible Notice *after* commencement to be given.

(2) Break open Roads only under superintendence of the Road, etc., A. (Secs. 6, 10, 13), except in emergencies, except where withheld or discontinued.

(3) Pay reasonable expenses of Road A.

As to consents, secs. 9–12; also Tel. Act, 1878, secs. 3, 4, amending same. Tel. Act, 1892. Power to place Tel. in Elec. Lighting Tubes, etc., sec. 6, p. 308.

18. Streets and public Roads (*def.*) to be restored and kept in repair 6 months.

Subject to any special stipulations, the Company shall:— Sec. 18.

- (1) Complete the works, fill in and make good the surface, cart away rubbish and restore the Road to its former condition as speedily as possible.
- (2) Fence in, watch, and properly light at night, the place opened. Fencing
and
Lighting.
- (3) Pay all reasonable expenses for maintaining the Street in good repair for 6 months, so far as such expenses are increased by such opening.

Penalty £20 and £5 daily for non-observance of the above conditions. * * * * *

19. The Road A. may themselves fill in openings made by Company, and restore Road surface at their expense.

20. Restrictions on Impediments to Traffic.

- (a) Street traffic not to be impeded more than absolutely necessary for the proper execution of Telegraph Works.
- (b) Not more than $\frac{1}{3}$ the width of any Street or any Way opening therefrom to be closed, nor (except with the Road A. consent) more than 50 yards length of such Street at one time, where the remaining $\frac{2}{3}$ width is not sufficiently wide to allow 2 carriages to pass each other. As to
width of
Street to
be closed.

RESTRICTIONS AS TO WORKS AFFECTING PRIVATE, ETC., PROPERTY (Secs. 21–29).

21. As to works affecting Crown Property.

22. As to Consents to be obtained on placing Tel. above ground (or Posts) within 10 yards of Dwelling House, or across an Avenue or approach to a Dwelling House.

Amendt. as to consents, Tel. Act, 1878, secs. 3, 4, p. 304; also Tel. Act, 1892, sec. 26.

23. In other than large Towns (*sec. 9*) no Tel. to be placed over along or across any public Road or Streets (*def.*) (or Posts placed therein) until within 21 days from publication by the Company of consent of Road A. (see Sec. 6).

Consent of Road A., secs. 9–12, and Amendt. Tel. Act, 1878, secs. 3, 4, p. 304.

24. Power of Owner or Occupier of adjoining Land or Building to object to intended Works.

Amendt. referring disputes to Stip. Mag., and appeal, and to Rail. Commissioners, Tel. Act, 1878, secs. 3, 4, 5, p. 304.

Tol. Act, 1892. Power of Raily. Com. to over-rule refusal to consent, sec. 2. Tol. constructed irregularly, sec. 4, p. 306.

25. Works not to be executed until objection (*sec. 24*) settled.

Bd. of T.
Inquiry.

26-29. Examination and Inquiry by Bd. of T., etc., as to objection (*sec. 24*), also as to costs, etc.

Tel. Act, 1878, p. 304. Amendt. as to Inquiring Authority, secs. 3, 4. Amendt. referring Disputes to Raily. Com., sec. 5.

REMOVAL OR ALTERATIONS OF WORKS AFFECTING LAND OR BUILDINGS (Secs. 30-31).

30. Procedure where Owner, etc. of Land or Building requires removal of Tel. Works placed over, across or adjoining such land, etc., where interfering with improvement, enclosure, or utilization thereof.

Amendment referring disputes to Stip. Mag., Tol. Act, 1878, sec. 4, p. 304.

31. Procedure where Owner requires removal of Works constructed before this Act, over or adjoining his Land or Building, or prejudicially affecting the same.

Substitution of Rail. Commissioners for Bd. of T. to determine disputes, Tel. Act, 1878, sec. 5, p. 304.

*

*

*

*

*

*

RESTRICTIONS AS TO WORK AFFECTING SEA SHORE, BUOYS, ETC. (Secs. 35-40).

35. Consent to be obtained for Tel. Works affecting Estuary or branch of Sea, Shore, or bed of Tidal River.

Amendt. as to consents, Tel. Act, 1878, secs. 3, 4, p. 304.

*

*

*

*

*

*

TELEGRAPH ACTS, 1866-1870.

The above Telegraph Acts, 1866 to 1870 (amending and extending the Telegraph Act, 1863) do not materially affect Local Authorities in England and Wales, viz.:—

Telegraph Act Amendment Act, 1866 (29 Vict., cap. 3).

Relates to Ireland, and extending the power of the Government over Telegraph Companies.

Telegraph Act, 1868 (31 & 32 Vict., cap. 110).

Extends the provisions of the Tel. Act, 1863, to the Postmaster-General (the expression "Company" being deemed to include the Postmaster-General), and enabling him to purchase the various Telegraph Companies' Undertakings.

Telegraph Act, 1869 (32 & 33 Vict., cap. 73).

Extends the powers conferred on the Postmaster-General by the Tel. Act, 1868, for the purchase of Electric Telegraphs, and conferring upon him the exclusive privilege (with certain exceptions, *sec.* 5) of sending Telegrams.

Telegraph Act, 1870 (33 & 34 Vict., cap. 88).

Extends the Telegraph Act, 1868, 1869, to the Isle of Man and the Channel Islands.

TELEGRAPH ACT, 1878.

(41 & 42 VICT., CAP. 76.)

An Act to make further provision respecting Post Office Telegraphs.

Section 2. Definitions (*see p. 265*).

As to
Consents.

Sections 3 & 4. These Sections provide that, where any person or A. having power under the Tel. Act, 1863 (*secs. 5, 9, 12, 13, 22*), to give or withhold "Consent" to the Postmaster-General erecting Tel. or Posts :—

(*a*) Fails within 21 days from his requisition to consent ;
or

(*b*) In consenting, imposes terms and conditions to which he objects ; or

(*c*) Withdraws a consent (Tel. Act, 1863, Sec. 30).

Reference
to Stipen-
diary
Magis-
trates.

The matter shall be determined by a Stipendiary Magistrate (or if none such, by the District County Court Judge) who may, after hearing all parties (to whose differences Secs. 30-33 "Railways Regulation Act, 1868," shall apply) give his consent unconditionally or subject to pecuniary or other terms or conditions.

Appeal.

Appeal against such decision may be made within 21 days therefrom to the Railway Commissioners.

Disputes.

Section 5. This Section provides that all differences (except differences respecting an Estuary, branch of Sea, Shore or bed of Tidal Water, referable by the Tel. Act, 1863, Sec. 35, to the Bd. of T.) shall be referred to the Railway Commissioners.

Section 6. Empowers the Postmaster-General to establish Tel. Lines, in, under, upon, along, over or across . . . High-

ways, Bridges, River Embankments, Subways, Aqueducts, Sec. 6. over or across a River, Docks, Harbours or Piers, authorized by Act subsequent to Jan. 1, 1878. (Penalty, *sec.* 9).

Tel. Act, 1892: Application of Acts to Licensee, sec. 5, p. 307.

Section 7.* Procedure where execution of Undertaking authorized by Act will involve alterations to Tel. of P. G.

Section 8.* Compensation for injury to Tel. line and *daily Penalty of £20* during interruption of Tel. communications; or Fine not exceeding £50.

Section 9.* *Penalty £10 and £10 daily* for obstructing the placing, maintaining, altering, examining and repairing of the P. G.'s Tel. lines.

* * * * *

TELEGRAPH ACT, 1885.

(48 & 49 VICT., CAP. 58.)

Enables the P. G. to make Regulations for conduct of Business and to fix charges for Telegrams.

TELEGRAPH ACT, 1889.

Extends the Provisions (with modifications) of the Tel. Acts 1863-1885 to Isle of Man.

* Incorporated with the Electric Lighting Act, 1882, pp. 265, 266.

TELEGRAPH ACT, 1892.

(55 & 56 VICT., CAP. 59).

An Act to make further Provision for Telegraphs.

2. Construction of Tel. Works on Private Lands.

Proceed-
ings where
Consent
withheld.

If the P. G. considers that the Inhabitants or any Public A. are inconvenienced by the refusal of the Occupier, Lessee or Owner of any Land or Building to consent to the construction or maintenance of any Tel. Communication

he may apply to the Railway and Canal Commission, which Body may, after local Inquiry, make an Order consenting to such Construction and Maintenance.

Occupier, etc., may petition Commissioners against Order, in which case Order not to have effect unless confirmed by Parliament.

Tel. Act, 1863, p. 297: Tel. affecting Private property, secs. 13, 21-31.

3. Extension of Provisions of Tel. Acts, 1863-1878, *re* Streets, Roads, Lands and Buildings to URBAN Districts.

The Provisions of the Tel. Acts, 1863-1878 (as amended by this Act) relative to Streets, Public Roads, Lands and Buildings, within the limits of any City, Municipal Borough, Town Corporate, or Town having a pop. of 30,000 or upwards, shall extend to URBAN Districts; the following terms having the following meanings respectively, viz.:—

| Expression. | Definition. |
|------------------------|---|
| Public Road and Street | Respectively to include a Public Highway for Carriages, and a Public Way (although not repairable as mentioned in sec. 3, Tel. Act, 1863). |
| Public Road | To include a Public Highway for Horses, and a Private Road which is also a public footpath, if such Highway or Road is enclosed between Hedges, Walls, or Fences. |

4. Removal of Tel. Lines constructed Irregularly.

Where, either before or after the passing of this Act:—

- (1) A Tel. Line of the P. G. has been constructed (whether by him or a person through whom he claims) independently of or without compliance with the Tel. Acts 1863-1878 or this Act, any aggrieved Road A., Owner, Lessee, Occupier or Person whose Consent would have been required under those Acts (*secs. 9, 12, 13, 22, 23, 35,**) or who would have been entitled to require its Removal (*secs. 30, 31 **), may require its Removal.

Provided that:—

- (a) Until its Removal is required, the Line shall be deemed to have been lawfully constructed ; ^{Consents, etc.}
also

- (b) To the extent to which the Line may be constructed under or along a Street or Public Road, *secs. 3, 4, 5, Tel. Act, 1878*, shall apply, as if the Requisition to remove were a failure to Consent within the meanings of those Sections.

- (2) Consent to a Tel. Line along a Street or Public Road has been given subject to any conditions, to a person through whom the P. G. claims, such P. G. may by Notice to the consenting A. or person, request the withdrawal of such Conditions.

Failing withdrawal within 21 days from such Notice a Difference shall be deemed to have arisen between such A. or person and the P. G. to be determined as provided by the Tel. Act, 1878, *secs. 4, 5 (p. 304)*.

* Tel. Act, 1863, p. 297.

5. Application of Acts to Licensee of P. G.

Where the P. G. has either before or after the passing of this Act licensed any Company or person,* to transmit Telegrams within the meaning of the Tel. Acts, 1863-1889, he may authorize such Licensee to exercise the powers (or any of them) conferred on the P. G. by the Tel. Acts 1863-1878, and by Sec. 2 of this Act relating to P. O.'s.

Provided that the Licensee shall not exercise such powers :—

(a) Except in an URBAN District, or such area adjoining an U. District, as is described in the License.

(b) * * * In an URBAN District, without the consent of the U. A. and elsewhere, of the County Council; and shall be subject to any conditions which the U. A. or C. C. may attach to their Consent and to any of their Regulations respecting Tel. Lines.

6. Agreement with Electric Lighting Co.

(1) Any duly Authorized Electric Lighting Co. may with the approval of the Bd. of T., the consent of the L. A., and by agreement with the P. G. or (if so authorized by him) with his Licensee, place or authorize the P. G. (or his Licensee) to place Telegraphs in the Trenches, Tubes, Pipes or Apparatus used for such Electric Lines.

(2) The Enactments relating to such Electric Lighting Co., in regard to their Electric Lines, shall, as far as applicable, extend to the said Telegraphs and to anything done in pursuance of this Section.

7. Saving for Railways and Canals.

8. The Tel. Acts, 1863-1878, and this Act shall apply to Pneumatic and other Tubes for transmitting Telegrams or

Appli-
cation of
Act to
Pneumatic,
etc., Tubes.

* Hereafter referred to as the Licensee.

maintaining Tel. Communications, in like manner as they apply to Underground Telegraphs.

9. Definitions.

| Expressions. | Definitions. |
|--|--|
| Road A. | The Body having control of a Street or Public Road— and, (where the same is not repairable at the public expense) the Body which would have control if it were so repairable. |
| * * | * * * * |
| Construction and Maintenance of a Tel. Line along a Street or Public Road. | The placing and maintaining of Posts in or upon, or of a Tel. Line over, along or across a Street or Public Road. |
| * * | * * * * |

12. Applications of Act (with modification) to Isle of Man.

HOUSING OF THE WORKING CLASSES.

| | PAGE |
|---|---------|
| HOUSING OF THE WORKING CLASSES ACT, 1885 <i>(Provisions as to amendment of General Sanitary Law)</i> | 313 |
| HOUSING OF THE WORKING CLASSES ACT, 1890 | 316 |
| WORKING CLASSES DWELLINGS ACT, 1890 | ... 362 |

HOUSING OF THE WORKING CLASSES ACT, 1885.

(48 & 49 VICT., CAP. 72.)

For "Housing of the Working Classes Act, 1890," see p. 316.

For "Working Classes Dwellings Act, 1890," see p. 362.

(NOTE :—This Act is repealed by the "Housing of the Working Classes Act, 1890," except Secs. 3, 7, 8, 9, and 10, so far as it relates to Byelaws authorized by those Sections). Part Repeal of Act.

3. London.

7. General Duty of L. A. to enforce the Law.

It shall be the duty of every L. A. entrusted with the execution of Laws relating to Public Health and Local Government, to put the same in force, as occasion may arise, so as to secure the proper sanitary condition of all Premises within the area under their control. Sanitary state of Premises.

P. H. Act, 1875 : Defaulting L. A., sec. 299, p. 82.

Local Gov. Act, 1894 : Complaint by Parish Council of default of District Council, sec. 16, p. 397.

8. Amendment of Sec. 90, P. H. A., 1875 (*re* Lodging Houses).

The power under Sec. 90, P. H. A., 1875 (*p.* 31), to make Byelaws as to Houses let in Lodgings may be exercised by any L. A. without the intervention of the L. G. B.

9. Tents and Vans used for Human Habitation.

(1) A Tent, Van, Shed, or similar structure used for Human Habitation, which is—

When
deemed a
Nuisance.

(a) In such a state as to be a Nuisance or injurious to health ; or—

(b) So overcrowded as to be injurious to the health of the inmates, whether or not members of the same family ;

shall be deemed to be a Nuisance within the meaning of Sec. 91 of the P. H. A., 1875 (*p.* 31), and the provisions of that Act (*secs.* 91–97) shall apply accordingly.

Power to
make Bye-
laws as to
Tents,
Vans, and
Sheds.

(2) The L. A. may make *Byelaws*—

(c) For promoting cleanliness in, and the habitable condition of, Tents, Vans, Sheds, and similar structures used for Human Habitation ; and

(d) For preventing the spread of Infectious Disease by the Persons inhabiting the same ; and

(e) Generally for the prevention of Nuisances in connection with the same.

Power of
entry.

(3, 4) When any Person, duly authorized by the L. A., or by a Justice of the Peace, has reasonable cause to suppose that in any Tent, Van, Shed, or similar structure used for Human Habitation, there is—

(f) Any contravention of this Act, or of any Byelaws made under this Act ; or

Infectious
Disease.

(g) Any Person suffering from a dangerous infectious disorder,

he may (on producing a copy of his authorization) enter such Tent, Van, etc., between 6 a.m. and 9 p.m., and examine every part thereof.

(5) *Penalty* 40s. for obstructing any such Person in the performance of his duty.

* * * * *

Exemp-
tion.

(6) Any Tent, Van, Shed, or Structure erected or used

by her Majesty's Military or Naval Forces, is exempt from Sec. 9. this Section.

10. Byelaws.

Secs. 182 to 187 of the P. H. A., 1875 (*p.* 57), relating to Byelaws, shall apply to Byelaws made under the previous Section.

HOUSING OF THE WORKING CLASSES ACT, 1890.

(53 & 54 VICT., CAP. 70.)

For "Housing of the Working Classes Act, 1885," see p. 313.
For "Working Classes Dwellings Act, 1890," see p. 362.

NOTE:—This Act consolidates and amends the whole of the following Acts, viz. :—

The Labouring Classes Lodging Houses Acts, 1851–67.

The Artisans Dwellings Acts, 1868–82.

The Artisans and Labourers Dwellings Improvement Acts, 1875–85.

The Housing of the Working Classes Act, 1885, except Secs. 3, 7, 8, 9, 10 (part only), p. 313.

ARRANGEMENT OF SECTIONS.

PART I.

UNHEALTHY AREAS.

SECTION

2. Definitions: "This part of this Act." "Official Representation."
3. Application of Part I.

SCHEME BY URBAN AUTHORITY.

4. U. A. on being satisfied by Official Representation of the Unhealthiness of District, to make Improvement Scheme.
5. Official Representation, by whom to be made.
6. Requisites of Improvement Scheme of U. A.

CONFIRMATION OF SCHEME.

SECTION

7. Publication and service of Notices.
8. Making and Confirmation of Provisional Order.
9. Costs to be awarded in certain cases.
10. Inquiry on refusal of U. A. to make Improvement Scheme.
11. Provision of Dwelling Accommodation for Working Classes displaced by Scheme.

EXECUTION OF SCHEME BY U. A.

12. Duty of U. A. to carry Scheme, when confirmed, into execution.
13. Completion of Scheme on failure by U. A.
14. Notice to Occupiers by Placards.
15. L. G. B. may modify authorized Scheme.

INQUIRIES WITH RESPECT TO UNHEALTHY AREAS.

16. Inquiry on default of Medical Officer in certain cases.
17. Proceedings on Local Inquiry.
18. Notice of Inquiry to be publicly given.
19. Power to administer Oath.

ACQUISITION OF LAND.

20. Acquisition of Land.
21. Special provision as to Compensation.
22. Extinction of Rights of Way and other Easements.
23. Application of Lands for accommodation of Working Classes.

EXPENSES.

24. Formation of Improvement Fund.
25. Borrowing powers.

GENERAL PROVISIONS.

26. Provision in case of absence of Medical Officer.
27. L. G. B. may prescribe Forms of Advertisements and Notices.
28. L. G. B. may dispense with Notices in certain cases.

PART II.

UNHEALTHY DWELLING HOUSES.

29. Definitions: "Street." "Dwelling-house." "Owner." "Closing Order."

BUILDINGS UNFIT FOR HUMAN HABITATION.

30. Representation by Medical Officer.
31. Representation on Householder's complaint.

“CLOSING ORDER” AND DEMOLITION.

SECTION

32. Duty of L. A. as to Closing of Dwelling-house unfit for Human Habitation.
33. Order for Demolition of House unfit for Habitation.
34. Execution of Order for Demolition, and provision as to Site.
35. Appeal against Order of L. A.
36. Grant of Charges by way of Annuity to Owner on completion of Works.
37. Incidence of Charge.

OBSTRUCTIVE BUILDINGS.

38. L. A. may purchase Houses for opening Alleys, etc.

SCHEME FOR RECONSTRUCTION.

39. Scheme for Area comprising Houses closed by Closing Order and small Unhealthy Areas.
40. Provision for accommodation of Persons of the Working Classes.

SETTLEMENT OF COMPENSATION (See. 41).

EXPENSES AND BORROWING.

42. Expenses of L. A.
43. Borrowing powers.
44. L. A. to present Annual Account to L. G. B.

POWERS OF COUNTY COUNCILS (See. 45).

LONDON (See. 46).

SUPPLEMENTAL TO PART II.

47. Provision as to Superior Landlord.
48. Remedies of Owner for breach of Covenant, etc., not to be prejudiced.
49. Service of Notices.
50. Description of Owner in proceedings.
51. Penalty for preventing execution of Act.
52. Report to L. A. by County Medical Officer.

PART III.

WORKING CLASS LODGING-HOUSES.

53. Definitions: “Lodging-houses for the Working Classes.” “Cottage.”

ADOPTION OF PART III.

54. Adoption by U. A.
55. Adoption by R. A.

EXECUTION OF PART III. BY L. A.

SECTION

- 56. Powers of L. A.
- 57. Acquisition of Land.
- 58. L. A. may purchase existing Lodging-houses.
- 59. L. A. may erect, etc., Lodging-houses.
- 60. Sale and Exchange of Lands.

MANAGEMENT OF LODGING-HOUSES.

- 61. Management to be vested in L. A.
- 62. Byelaws for Regulation of Lodging-houses.
- 63. Disqualification of Tenants on receiving Parochial Relief.
- 64. Lodging-houses considered too expensive may be sold.

EXPENSES AND BORROWING OF L. A. (Secs. 65, 66).

LOANS TO AND POWERS OF COMPANIES, SOCIETIES, AND INDIVIDUALS.

- 67. Loans by Public Works Commissioners.
- 68. Powers to Companies.
- 69. Power to Water and Gas Companies to supply Lodging-houses.
- 70. Inspection of Lodging-houses.
- 71. Application of Penalties.

PART IV.

SUPPLEMENTAL.

- 72, 73. London.
- 74. Amendment of the "Settled Land Act," as regards Erection of Building for Working Classes.
- 75. Condition to be implied on letting Houses for the Working Classes.
- 76. London.
- 77. L. A. may enter and value Premises.
- 78. Compensation to Tenants for Expense of Removal.
- 79. Duties of Medical Officer.
- 80. Accounts and Audit.
- 81. L. A. may appoint Committees.
- 82. Application of Purchase Money.
- 83. Rates of Loans by Public Works Loan Commissioners.
- 84. Application of certain provisions as to Byelaws.
- 85. Local Inquiries.
- 86. Orders, Notices, etc.
- 87. Service of Notice, etc., on the L. A.
- 88. Prohibition on Persons interested Voting as Members of L. A.
- 89. Penalty for obstructing the execution of Act.
- 90. Punishment of Offences and Recovery of Fines.
- 91. Powers of Act to be cumulative.
- 92. Definitions of Local Authority, Districts, Local Rate.
- 93. Definitions: "Land." "Sanitary District." "Sanitary Authority."
"Urban and Rural Sanitary Authority." "Contributory Place."

PART V.

APPLICATION OF ACT TO SCOTLAND (Secs. 94-97).

PART VI.

APPLICATION OF ACT TO IRELAND (Secs. 98-101).

PART VII.

REPEAL AND TEMPORARY PROVISIONS (Secs. 102, 103).

HOUSING OF THE WORKING CLASSES ACT, 1890.

(53 & 54 VICT., CAP. 70.)

An Act to consolidate and amend the Acts * relating to Artisans' and Labourers' Dwellings, and the Housing of the Working Classes.

| PARTS | SECTIONS |
|--|----------|
| I. UNHEALTHY AREAS (Applicable to Urban A. only). | 2-28 |
| II. UNHEALTHY DWELLING-HOUSES (Applicable to Urban and Rural A.). | 29-52 |
| III. WORKING-CLASS LODGING-HOUSES (May be adopted by Urban and Rural A.). | 53-71 |
| IV. SUPPLEMENTAL | 72-93 |
| V. APPLICATION OF ACT TO SCOTLAND | 94-97 |
| VI. APPLICATION OF ACT TO IRELAND | 98-101 |
| VII. REPEAL AND TEMPORARY PROVISIONS | 102-103 |

PART I.

UNHEALTHY AREAS (Secs. 2-28).

NOTE.—Applicable to Urban Authorities only.

2. Definitions to Part I.

“This part of this Act” includes any Confirming Act.

“Official Representation” means a Representation made to the U. A. by the Medical Officer.

* For these Acts see Note, p. 316.

3. This part of this Act shall not apply to RURAL Sanitary Districts.

SCHEME BY URBAN AUTHORITY (Secs. 4-6).

4. U. A. on being satisfied by "Official Representation" or Unhealthiness of District to make "Improvement Scheme."

Official
Represent-
ation of
Unhealthy
Area.

Where an "Official Representation" (*def. sec. 2*) is made to the U. A. that within a certain Area in their District—

(a) Any Houses, Courts, or Alleys are unfit for Human Habitation; or,

(b) The narrowness, closeness, and bad arrangement or character of the Streets and Houses, or groups of Houses, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, are dangerous or injurious to the health of the Inhabitants within such Area or those of the neighbouring Buildings;

Improve-
ment
Scheme to
be made.

and that such evils cannot be effectually remedied otherwise than by an Improvement Scheme (*sec. 6*) for the rearrangement and reconstruction of such Streets and Houses, the U. A. shall consider such Representation, and if satisfied of the truth thereof and of the sufficiency of their resources, shall resolve—

Resolution
of U. A.

"that such Area is an Unhealthy Area, and that an Improvement Scheme ought to be made in respect of such Area;"

and shall forthwith proceed with such Improvement Scheme.

Several
Areas.

Any number of such Areas may be included in one Improvement Scheme.

As to unhealthy areas too small to be dealt with under Part I., see *sec. 39, f*, Part II.

Failure of U. A. to act on Official Representation, *sec. 10*. Penalty for obstructing Medical Officer in execution of Act, *sec. 89*.

5. "Official Representation" to be made by Medical Officer.

A Medical Officer shall make "Official Representation" Sec. 5.
(def. sec. 2) whenever he sees cause; and if

(a) Two Justices of the Peace acting within the District; Complaint by Justices, etc.
 or

(b) Twelve Persons liable to be rated to the Local Rate complain to him of the unhealthiness of any Area, he shall forthwith inspect the same and make an "Official Representation," stating the facts, and whether in his opinion the said Area (or part thereof) is, or is not, an Unhealthy Area (*sec. 4*).

Inquiry on Default of Medical Officer, sec. 16. Temporary appointment of Medical Officer, secs. 26, 79.

Penalty for obstructing Medical Officer in execution of Act, sec. 89.

6. Nature of Improvement Scheme.

(1) The Improvement Scheme (*sec. 4*) shall be accompanied by Maps, Particulars, and Estimates, and—

(a) May exclude any part of the Unhealthy Area (*sec. 4*), or include any neighbouring Lands, if the U. A. consider the same necessary for making their Scheme efficient for Sanitary purposes;

(b) May provide for widening any existing approaches to such Area, or otherwise, for opening out the same for the purpose of ventilation or health;

(c) Shall provide such dwelling accommodation, for the Displaced Working Classes. Working Classes displaced (if any) as is required by *sec. 11*; and

(d) Shall provide for proper sanitary arrangements.

(2) The Scheme shall distinguish the Lands proposed to be taken compulsorily. Lands taken compulsorily.

(3) The Scheme may also provide for the whole (or part thereof) being carried out— By whom Scheme may be executed.

(e) By the Person entitled to the first estate of freehold in any property comprised in the Scheme, or—

- Sec. 6. (f) With the concurrence of such Person, under the superintendence and control of the U. A., and upon agreed terms and conditions to be embodied in the Scheme.

CONFIRMATION OF SCHEME (Secs. 7-10).

7. Publication and Service of Notices on Completion of Improvement Scheme.

This Section provides for—

(1) The Scheme (*sec. 6*) to be Advertised (*sec. 27*) three consecutive weeks during Sep., Oct., or Nov., in a Local Newspaper, stating—

- (a) That the Scheme has been made;
- (b) The limits of the Unhealthy Area (*sec. 4*).
- (c) Where a Copy of the Scheme (to be deposited within the Area, or in the vicinity thereof) may be seen at all reasonable hours.

(2) During the month following that of the Advertisement, Notices (*sec. 86*) to be served on the Owners, Lessees, or Occupiers (so far as they can reasonably be ascertained) of any Lands proposed to be taken compulsorily, and in the case of an Owner or Lessee, requiring to know whether objection is taken or otherwise (*Acquisition of Land, sec. 20*).

(3) The mode in which such Notices shall be served.

Power of L. G. B. to dispense with Advts. and Notices, *sec. 28*.

8. Making and Confirmation of Provisional Order.*

This Section provides for—

(1) U. A. to petition the L. G. B. for an Order confirming such Scheme (*sec. 6*).

(2) The Form of Petition and evidence in support of same.

(3, 4) Power of L. G. B. to hold an Inquiry (*secs. 17, 18, 19, 85*), to make a Provisional Order, and to declare the limits of the Area.

(5) Such Provisional Order to be made with or without conditions and modifications (except as regards compulsory purchase of Land), and copies to be served by the U. A. in the manner, and on the Persons (except monthly Tenants) specified in *sec. 7 (2)*.

(6) Such Provisional Order to be confirmed by Parliament.

(7) The L. G. B., in certain cases, may allow Expenses of Persons opposing Scheme.

* Instructions as to Provisional Orders are issued by the L. G. B.

(8) The costs of promoting the Scheme to be borne by the U. A. Sec. 8.
Costs of Inquiries, sec. 85. Manner of defraying Expenses, secs. 24, 25.

9. Costs of Parliamentary Opposition to be awarded in certain cases.

10. Inquiry on Refusal of U. A. to make an Improvement Scheme.

When the U. A. fail to act on an "Official Representation" (*def. p. 321*) they shall forward a copy thereof with their reasons for not acting to the L. G. B., who may direct a Local Inquiry to be held.

L. G. B. Inquiries, secs. 17, 18, 19, 85.

DWELLING ACCOMMODATION FOR WORKING CLASSES DISPLACED BY SCHEME.

11. Accommodation for Working Classes.

(1) As to London.

(2) The U. A. shall (if the L. G. B. so require) provide suitable Dwellings for the Working Classes displaced, either within or without the Area, as the L. G. B. may require.

EXECUTION OF SCHEME BY URBAN AUTHORITY (Secs. 12-15).

12. U. A. shall carry the Scheme, when confirmed by Parliament, into execution.

(1) The U. A. shall take steps for purchasing (*sec. 20*), ^{Purchase of Lands.} the Lands (*def. sec. 93*) required, and otherwise for carrying the Scheme into execution as soon as possible after Confirmation. (*Power to enter and value premises, sec. 77.*)

Penalty for obstructing execution of Act, sec. 89.

(2) The U. A. may sell or let all or part of the Area to ^{U. A. may sell or let Area under conditions.} any Purchasers or Lessees under condition that they carry the Scheme into execution, and may insert provisions in the Grant or Lease—

Sec. 12.
Conditions
of Sale,
etc., of
area.

- (a) Binding them to build as prescribed therein, and to maintain and repair such buildings ;
- (b) Prohibiting the division, or any addition to, or alteration of the character of the Buildings without their consent ;
- (c) For the re-vesting of the Land in the U. A. or their re-entry thereon, on any breach of any of the provisions ;

Application of proceeds of Sale of Land, secs. 24, 82.

U. A. not
to under-
take
Scheme.

(3) The U. A. may also engage with any body of Trustees, Society, or Person, to carry out all or part of the Scheme upon such terms as they think expedient, but the U. A. shall not (without the approval of the L. G. B.) undertake any part thereof, except—

Works
which
U. A. may
undertake.

- (d) To take down any or all of the Buildings and clear the Site ;
- (e) To lay out, form, pave, sewer, and complete the Streets, which shall thenceforth be Highways.

P. H. Act, 1875 : Repair of Public Streets, sec. 149, p. 43.

Descrip-
tion of
Dwellings
for the
Working
Classes.

(4) Provided that in any Grant or Lease of Land appropriated by the Scheme (*sec. 6*) for the erection of Dwellings for the Working Classes, the U. A. shall impose suitable conditions as to—

Size, etc.,
of
Erections.

- (a) The elevation, size, and design of the Houses and the extent of the accommodation ;
- (b) The maintenance of proper Sanitary arrangements.

Dwellings
erected by
U. A. to be
sold.

(5) If the U. A. erect Dwellings out of funds to be provided under this part of this Act, they shall (unless the L. G. B. otherwise determine) sell the same within 10 years after completion.

Improvement Fund, sec. 24.

First
Estate of
Freehold.

(6) The U. A. may, without themselves acquiring the Land, or after or subject to their acquiring any part thereof,

contract with the Person (*sec. 6, sub-sec. 3*) entitled to the Sec. 12.
first estate of freehold in any Land in the Scheme, for the
carrying out of the Scheme in respect of such Land.

Power to enter and value premises, *sec. 77*. Compensation to Tenants,
sec. 78. Accounts and Audit, *sec. 80*.

13. Completion of Scheme by L. G. B. on failure by U. A.

If the U. A., for 5 years after the removal of any Buildings on the Land set aside by the Scheme (*sec. 6*) as Sites for Workmen's Dwellings, fails to deal with the Land (*sec. 12*), the L. G. B. may order the same to be sold by public Auction or Tender (and may fix a reserve price), subject to the conditions imposed by the Scheme, and further that the Purchaser shall erect Dwellings for the Working Classes in accordance with plans to be approved by the U. A., and to such other conditions as the L. G. B. may deem necessary.

Sale of
Land where
not dealt
with in 5
years.

Application of proceeds of Sale, *secs. 24, 82*.

14. Notice to Occupiers by Placards.

The U. A. shall, 13 weeks before taking possession of 15 or more Houses— Where 15
Houses
taken.

- (a) Make known such intention by Placards posted within a reasonable distance thereof;
- (b) Obtain a Certificate of a Justice of the Peace that such public announcement has been complied with.

Compensation to Tenants, *sec. 78*.

15. L. G. B. may permit U. A. to modify authorized Scheme.

(1) The L. G. B. may permit the U. A. to modify a Scheme (*sec. 6*) on satisfactory proof that an improvement can be made in the details, but the provision of Working Class dwelling accommodation (*sec. 11*) shall be such as might have been inserted in the original Scheme.

(2) A statement of such Modification permitted shall be laid before Parliament by the L. G. B.

Provided that, if such Modification—

Sec. 15.

- (a) requires a larger Public Expenditure than previously sanctioned; or
 - (b) requires the taking of property otherwise than by agreement; or
 - (c) affects injuriously other property in a manner different to that in the former Scheme without the consent of the Owners and Occupiers,
- the Modification must be made by a Provisional Order to be confirmed by Parliament as provided in secs. 7-9.

INQUIRIES WITH RESPECT TO UNHEALTHY AREAS (Secs. 16-19).

16. Inquiries on default of Medical Officer in certain cases.

(1) Where the Medical Officer, on the complaint of 12 Ratepayers of the Unhealthiness of any Area (*sec. 4*)—

(a) fails to inspect or make an “Official Representation” (*def. sec. 2*);

(b) or does so to the effect that such Area is not an Unhealthy Area (*sec. 4*),

Appeal to
L. G. B.

they may appeal to the L. G. B., and upon their giving security for costs, such Board shall appoint a Medical Practitioner to inspect such Area and to Represent the facts to them, and whether in his opinion the Area (or any part thereof) is, or is not, an Unhealthy Area.

Penalty for obstructing execution of Act, *sec. 89*.

U. A. to
proceed
with
Scheme.

If such Representation (which the L. G. B. shall forward to the U. A.) states that the Area is an Unhealthy Area, the U. A. shall proceed as if it were an “Official Representation” (*def. sec. 2*).

Procedure on Official Report, *sec. 4*.

Costs.

(2) The L. G. B. shall make an Order as to the costs of such Inquiry, and may require the whole, or part of, such costs to be paid if the Medical Practitioner is of opinion that—

- (a) such Area is not an Unhealthy Area, by the Sec. 16. Apellants; or
- (b) such Area (or part thereof) is an Unhealthy Area, by the U. A.

* * * * *

Failure of L. A. to act on Official Representation, sec. 10.

17. Proceedings when Local Inquiry is directed.

When a Local Inquiry is directed, the L. G. B. shall send an Officer to the Area to inquire into—

- (a) the correctness of the “Official Representation” (*def. p. 321*);
- (b) the sufficiency of the Improvement Scheme (*sec. 6*);
- (c) any Local Objection thereto;
- (d) any other matter into which he is directed by this Act, or by the L. G. B. to inquire.

L. G. B. Inquiries, sec. 85. Penalty for obstructing officer of L. G. B. in execution of Act, sec. 89. Inquiries on default of Medical Officer in certain cases, sec. 16.

18. Notice of Inquiry to be Publicly given.

The Officer appointed (*sec. 17*) shall by public Notice make known to the Persons residing in the Area (*sec. 4*)—

- (a) his intention to hold such Inquiry;
- (b) the time and place at which he will be prepared to take evidence.

19. Officer to Report result of Inquiry to L. G. B.

ACQUISITION OF LAND (Secs. 20–23.)

20. Application of the “Lands Clauses Acts” as amended by this Act (*Schedule II.*) to the purchase and taking of Lands.

21. Special Provision as to Compensation.

(1) Compensation in respect of Compulsory Purchase of Lands (or interest therein) shall be assessed as follows—

Sec. 21.
Basis of
Compensation.

(a) The Estimate of the value of such Lands or Interests shall be based on the then fair market value (b) . . . ; due regard being had to the nature and condition of the property and the probable duration of the Buildings in their existing state, and if in an Unhealthy Area (*sec.* 4), without additional allowance for Compulsory Purchase ;

(b) No allowance shall be made for any addition to, or improvement of, any property (except for necessary repairs), or for any interest acquired therein after the date on which an "Improvement Scheme" is advertised (*sec.*, 7 a) ;

Evidence
as to value
of
premises.

(2) Evidence shall be receivable by the Arbitrator to prove that any Houses or Premises within the "Unhealthy Area" are—

(c) enhanced in value by being used for illegal purposes, or by being so overcrowded as to be dangerous or injurious to the health of the inmates ; or

(d) in such a condition as to be a Nuisance within the meaning of the P. H. Acts or any Local Act, or in a state of defective sanitation, or not in reasonably good repair ; or

(e) unfit, and not reasonably capable of being made fit, for Human Habitation.

Award of
Arbitrator.

If the Arbitrator is satisfied by such evidence, the Compensation shall be—

(f) so far as it is based on Rental, that Rental which would have been obtained if occupied for legal purposes, and not overcrowded as aforesaid (e) ;

(g) their estimated value, if the Nuisance had been abated, or if put in sanitary condition or reasonably good repair, after deducting the estimated expense of so doing (d) ;

(h) The value of the Land, and of the materials of the Sec. 21. Buildings thereon (e).

Power to enter and value premises, sec. 77. Compensation to Tenants, sec. 78.

22. Extinction of Rights of Way and other Easements.

Upon purchase by the U. A. of any Lands (*def. sec. 93*) and upon making compensation where loss is proved to be sustained under this Section, all Rights of Way, rights of laying down or of continuing any Pipes, Sewers, or Drains, on, through, or upon such Lands, and all other rights or easements, shall be extinguished and vested in the U. A. Sewers,
Drains,
etc.

23. Application of Lands for Accommodation of Working Classes.

The U. A. may, for the purpose of providing accommodation for the Working Classes displaced by an "Improvement Scheme" (*sec. 6*), appropriate any Lands belonging to them which are suitable for the purpose, or may purchase by agreement any such further Lands as may be convenient.

EXPENSES (Secs. 24, 25).

24. Improvement Fund.

This Section provides for—

(1) Receipts of an U. A. under this part of this Act to form "Dwelling-house Improvement Fund."

(2) Fund to be established in the first instance, and deficiencies thereafter to be supplied out of the General District Rates or Loans (*Borrowing powers, sec. 25*).

(3) As far as practicable expenditure to be defrayed out of property dealt with, any profit may be carried to the General District Fund (*Rates P. H. Act, 1875, sec. 209*).

(4) * * * * *

(5) Any money legally applicable to purposes similar to those of this part of this Act may be carried to "Dwelling-house Improvement Fund."

Accounts and Audit, sec. 80. Application of purchase-money, sec. 82.

25. Borrowing powers (*P. H. Act, 1875, see 233–243, p. 67*).

Rate of Interest on Loans by Public Works Loan Commissioners, sec. 83.

GENERAL PROVISIONS (Secs. 26-28).

26. Provision in case of absence of Medical Officer.

In case of the illness or unavoidable absence of the Medical Officer the U. A. may (subject to the approval of the L. G. B.) appoint a Medical Practitioner for a period of (or less than) 6 months.

27. L. G. B. may prescribe Forms (*issued by the L. G. B.*) of Advertisements and Notices.

28. L. G. B. may dispense with Advertisements and Notices in certain cases.

PART II.

UNHEALTHY DWELLING HOUSES (Secs 29-52).

NOTE.—Applicable to Urban and Rural Authorities.

PRELIMINARY.

29. Definitions to Part II.

| Expression. | Definition. |
|--------------------|---|
| "Street " | Includes any Court, Alley, Street, Square, or row of Houses. |
| " Dwelling-house " | Means any inhabited Building, and includes any Yard, Garden, Outhouses, and Appurtenances belonging thereto, or usually enjoyed therewith, and includes the Site of the Dwelling-house as so defined. |
| " Owner " | In addition to the Definition given by the Lands Clauses Acts, includes all Lessees or Mortgagees, except Persons holding or entitled to the rents and profits for a term of years of which 21 years do not remain unexpired. |
| " Closing Order " | Means an Order, prohibiting the use of Premises for Human Habitation, made under secs. 91, 94, 95, 97 of the P. H. Act, 1875 (<i>Schedule III., p. 360</i>). |

BUILDINGS UNFIT FOR HUMAN HABITATION (Secs. 30-37).

30. Representation by Medical Officer (*also see sec. 32 (1)*).

The Medical Officer shall Represent to the L. A. any " Dwelling-house " (*def. sec. 29*) which appears to him to be in a state *so dangerous or injurious to health as to be unfit for Human Habitation*.

Representation of County Medical Officer, sec. 52. Penalty for obstructing M. O. in execution of Act, secs. 51, 59.

31. Representation on Householders' Complaint.

(1) If 4 Householders living near any " Street " (*def. sec.* Complaint by Householder.

Sec. 31. 29) complain in writing to the Medical Officer that any "Dwelling-house" (*def.*) in or near thereto is in a condition *so dangerous or injurious to health as to be unfit for human habitation*, he shall forthwith—

M. O. to report. (a) inspect the same and transmit the complaint, together with his opinion thereon, to the L. A., and

(b) if of opinion that the "Dwelling-house" is in the condition aforesaid, represent the same to the L. A.; but the absence of any such complaint shall not excuse him from inspecting any "Dwelling-house" and making such Representation as aforesaid.

On default of L. A. Householders may petition L. G. B. (2) If within 3 months after receiving the said Complaint and Opinion or Representation the U. A.* declines or neglects to put this part of this Act in force, the said Householders may petition the L. G. B. for an Inquiry, who after holding such Inquiry may order the U. A. to proceed.

Local Inquiries, sec. 85.

Local Gov. Act, 1894: Power of Parish C. to make complaint as to Unhealthy Dwellings, sec. 6, p. 393.

CLOSING ORDER AND DEMOLITION (Secs. 32–37).

32. Duty of L. A. as to Closing of Dwelling-houses unfit for Human Habitation.

L. A. to inspect District. (1) The L. A. shall from time to time inspect their District to ascertain whether any "Dwelling-house" (*def. sec. 29*) is in a state *so dangerous or injurious to health as to be unfit for Human Habitation*, and if on the Representation of the Medical, or other, Officer of such L. A., or on information given, any Dwelling-house appears to them to be in such state, shall forthwith proceed under Secs. 91, 94, 95, 97 of the P. H. Act, 1875 (*Schedule III*, p. 360).

Closing Order. (2) Such proceedings may be taken for the express purpose of Closing the Dwelling-house (*def.*) whether it be occupied or not, and the Court of Summary Jurisdiction may impose a *Penalty of £20* and make a "Closing Order" † (*def. sec. 29*).

* As to R. A., see sec. 45.

† For Form of Closing Order, see Schedule IV., p. 361.

(3) The L. A. shall serve Notice of such "Closing Order" Sec. 32.
 (when made) on every occupying Tenant, and within a Penalty for
 specified period (not being less than 7 days after service) inhabiting
 he and his family shall cease to inhabit the "Dwelling-house
 house." Daily Penalty for default £1. (Rec. of Penalties, Closing
sec. 90.) Order.

Provided that—the L. A. may compensate (as authorized Tenant's
 by the Court) such Tenant for his Removal Expenses, Compensation.
 which amount may be recoverable summarily by the L. A.
 from the "Owner" (*def. sec. 29*).

Appeal against Order by L. A., *sec. 35*. Powers of County Council with
 respect to Rural Authorities, *sec. 45*. Representation of County Medical
 Officer, *sec. 52*. Penalty for obstructing execution of Act, *secs. 51, 89*.

Byelaws made under P. H. A., 1875, *sec. 157*, as to Closing of Buildings
 unfit for Habitation, p. 546.

33. Order for Demolition of House unfit for Habitation.

(1) Where a "Closing Order" (*def. sec. 29*) has not been Order for
 revoked (*sec. 97, Sch. III., p. 361*) the L. A., if of opinion Demolition.
 that—

(a) the Dwelling-house (*def.*) has not been rendered
 habitable; and

(b) necessary steps are not being taken with due diligence
 to render it so; and

(c) the continuance of the same (or part thereof) is
 dangerous or injurious to the health of the public,
 or of the neighbouring inhabitants;

shall Resolve that it is expedient to Order the Demolition
 thereof; and

(2) shall serve Notice of such Resolution on the "Owner" Owner may
 (*def. sec. 29*), specifying therein the time (not being less attend
 than one month) and place appointed for further considera- and state
 tion of the Resolution, when he may attend and state his his objec-
 objections to such Demolition; and tion.

Provision as to Superior Landlord, *sec. 47*. Service of Notices, *sec. 49*.
 Form of Notice, *sec. 86*.

(3) if upon the consideration of the Objections to such

Sec. 33. Resolution the L. A. decide that it is expedient so to do, they shall order the Demolition of the Dwelling-house, unless the Owner (*def.*) undertakes forthwith to render the same habitable; when—

Demolition of Building. (4) in which latter case, the L. A. may order the execution of the works within a reasonable time specified in the Order, failing which completion (or within any extended time allowed by them or by a Court of S. J. (*sec.* 47, *sub-sec.* 3)), the L. A. shall Order the Demolition of the Building.

Execution of Order, *sec.* 34. Appeal against Order, *sec.* 35. Form of Notice, *sec.* 86.

34. Execution of Order for Demolition and Provisions as to Site.

Removal of Building within 3 months. (1) Where an Order for Demolition (*sec.* 33) has been made, the Owner (*def. sec.* 29) shall within 3 months (*sec.* 47, *sub-sec.* 3) of the service thereof remove the Building, failing which, the L. A. shall remove the same and sell the materials, and after deducting the Expenses incidental thereto, pay over the balance (if any) to the Owner.

On failure L. A. may remove same.

Penalty for obstructing execution of Act, *secs.* 51, 89. Accounts and Audit, *sec.* 80.

Nature of New Building.

(2) Where a Building has been so removed, no House or other Building, or erection, which will be dangerous or injurious to health shall be erected on any part of the Site; and if so erected the L. A. may order the Owner to abate the same, and on non-compliance may abate or alter at his expense.

35. Appeal to Quarter Sessions against Order of L. A. (*secs.* 33, 34, 36, 38) may be made within one month.

36. Grant of Charges by way of Annuity to Owner on Completion of Works.

Charging Order.

(1) Where any Owner (*def. sec.* 29) has completed any Works required by an Order of the L. A. under this part of this Act, he may apply to them for a "Charging Order,"* producing—

* For Form of Charging Order, see Schedule V., p. 361.

- (a) The Certificate of their Surveyor or Engineer that the Works have been executed to his satisfaction; and—
- (b) The Accounts of, and Vouchers for, the costs, charges and expenses of the Works—
- and when satisfied thereby (and of the costs of the “Charging Order,”) the L. A. shall make an Order, charging on the Dwelling-house (*def. p. 333*) an Annuity to repay the amount.

(2) The Annuity shall be at the rate of 6 per cent. on the said amount, and payable for a term of 30 years to the Owner.

* * * * *

37. Incidence of Charge.

This Section provides for—

(1) The priority of “Charging Order” (sec. 36) over certain other interests and incumbrances.

(2) Evidence of “Charging Order” to be conclusive.

(3) * * * * *

(4) Deposit of copies of “Charging Order,” Surveyor’s Certificate, and Account with Clerk of Peace within 6 months.

* * * * *

Grant of Charging Order to Owner, sec. 36.

OBSTRUCTIVE BUILDINGS.

38. Power of L. A. to Purchase Houses for Opening Alleys, etc.

(1) If the Medical Officer finds that any Building within his District, although in itself habitable, is so situate that by reason of its proximity to, or contact with, other Buildings, it—

(a) Stops ventilation, or otherwise makes, or conduces to make, such other Buildings *unfit for Human Habitation, or dangerous or injurious to health*; or—

(b) Prevents proper measures from being carried into effect for remedying any Nuisance injurious to health, or other evil complained of, in respect of

Sec. 38.

such other Buildings. (*Representation of County Med. O. sec. 52*)—

he shall Represent to the L. A. the particulars relating to such “Obstructive Building” stating that it is expedient that it should be pulled down. (*Penalty for obstructing Officer of L. A. in execution of Act, secs. 51, 89.*)

House-
holders,
Represent-
ation.

(2) Any four inhabitant Householders may make a similar Representation.*

Report as
to pulling
down
Building.

(3) The L. A. shall, on receiving any such Representation, cause a Report to be made to them respecting the circumstances of the Building, and the cost of pulling down the same and acquiring the Land.

They shall then consider such Representation and Report, and if they decide to proceed, shall give a copy of each to the Owner (*def. p. 333*) of the Land, with Notice of the time and place appointed for consideration thereof, when he may attend and state his objections.

Order for
pulling
down, etc.

The L. A. shall then make an Order either allowing the objection, or directing that such “Obstructive Building” shall be pulled down. The Owner may Appeal as provided under sec. 35.

Incorporation of
Lands
Clauses
Acts for
purchase
of Site.

(4) Where an Order for Pulling Down is made, and any Appeal (if made) fails, or is abandoned, the L. A. may purchase the Site, as if authorized by a Special Act; for which purpose the provisions of the Lands Clauses Acts with respect to “the purchase and taking of Lands otherwise than by Agreement,” shall be incorporated, subject to the provisions of this part of this Act (*sub-secs. 5–12, and sec. 41*). * * * Such Lands may be purchased within one year after the date of the Order, or if appealed against, after the date of the Confirmation.

Purchase
of Lands.

Power to enter and value Premises, sec. 77.

Owner
may retain
Site and
pull down
Building.

(5) The Owner (*def. p. 333*) may within one month after Notice to Purchase is served on him, declare that he desires to retain the Site, and undertake to pull down or

* See also Local Gov. Act, 1894, sec. 6 (*p. 393*), as to Representation by Parish Council.

to permit the L. A. so to do, in which case he shall retain Sec. 38. the Site and receive compensation (6) from the L. A. for the Pulling Down of the "Obstructive Building."

As to Building on site, sub-sec. 10. Provision as to Superior Landlord, sec. 47.

(6) Such Compensation, as also Compensation for the Com-
purchase of Lands under this Section, shall in case of pensation.
difference be settled by Arbitration (*sec. 41*).

(7) Where the L. A. is empowered to purchase the Site L. A. may
(*sub-sec. 4*) the Owner (*def. p. 333*) of a House or Manu- take part
factory shall not compel the taking of his entire holding only of
where part only is proposed to be taken as "Obstructive," Building.
and where such part can, in the opinion of the Arbitrator
(*sec. 41*), be severed without material detriment thereto.

Provided that—Compensation may be awarded for such
severance in addition to the value of the part taken.

(8) When in the opinion of the Arbitrator the demolition
of an "Obstructive Building" increases the value of such Increase in
"Other Buildings" (*sub-sec. 1*), he shall apportion so much value of
of the Compensation as may be equal to such increased other
value amongst such "Other Buildings" respectively. The Buildings
amounts so apportioned shall be deemed Private Improve- by Demo-
ment Expenses, under *secs. 213-215* of the P. H. A. 1875, lition of
and may be recovered accordingly. Obstruc-
tive
Building.

(9) Any dispute between the Owner (or Occupier), and Disputes as
the Arbitrator as to the amount apportioned (*sub. sec. 8*), to Appor-
shall be settled by two Justices in manner provided by the tionment.
Lands Clauses Acts in cases where the Compensation
claimed in respect of Lands does not exceed £50.

(10) Where the Owner retains the Site (or part thereof), As to re-
no House, or other Building, or erection which will be— crection
on Site.

(a) dangerous or injurious to health, or—

(b) an "Obstructive Building"—

shall be erected thereon; and if so erected the L. A. may
order the Owner to abate or alter the same, and on non-

Sec. 38. compliance may do so at his expense. (*Power of Owners to retain site, sub-sec. 5.*)

Duty of L. A. as to Site. (11) Where the L. A. purchase the Site, they shall pull down the "Obstructive Building" (or the Obstructive part), and keep as an Open Space the whole Site or such part thereof, as may be required to remedy the Nuisance or other evils caused by such "Obstructive Building," and may with the assent of, and upon such terms as, the L. G. B. think expedient, sell any portion of the Site not so required.

Application of Purchase-money, sec. 52.

Dedication of Land. (12) The L. A. may dedicate any such Land acquired by them as a Highway or other Public Place (*see sec. 39 (1)*).

Appeal against Order of L. A., sec. 35. Representation of County Med. O., sec. 52. Compensation to Tenants, sec. 78. Accounts and Audit, sec. 80.

SCHEME FOR RECONSTRUCTION (Secs. 39, 40).

39. Scheme for Area comprising Houses ordered to be Demolished, and for small Unhealthy Areas. (*Unhealthy Areas, sec. 4.*)

(1) Where an Order for the Demolition of a Building has been made (*secs. 33 and 38 (3)*), and the L. A. consider that it would be beneficent to the health of the neighbouring inhabitants, if the *area of the Dwelling-house* (def. p. 333) of which such Building forms part were—

- Mode of disposing of Area.
- (a) dedicated as a Highway or Open Space; or
 - (b) appropriated, sold, or let for the erection of Dwellings for the Working Classes; or
 - (c) exchanged with other neighbouring Land which is more suitable for that purpose (b);

or, when it appears to such L. A. that—

- (d) the closeness, narrowness, and bad arrangement or condition of any Buildings, or the want of light, air, ventilation, or proper conveniences, or any

other sanitary defects therein is dangerous or pre-judicial to the health of the inhabitants or those of the neighbouring Buildings; and

(e) the demolition or the reconstruction and re-arrangement of all or any of the said Buildings is necessary to remedy the same; and

(f) the Area is too small to be dealt with as an "Unhealthy Area" under Part I. (*p.* 322);

they shall pass a Resolution to the above effect and direct a Scheme to be prepared for the improvement of the said Area. Preparation of Scheme.

(2) The L. A. after preparation of the Scheme shall serve (in manner provided in Sec. 7 (2) Notices on the Owners, Lessees, and Occupiers of any Lands to be taken compulsorily; and Service of Notices, *re* Compulsory purchase.

(3) Shall thereafter petition the L. G. B. for an Order sanctioning the Scheme, whereupon after a Local Inquiry (*sec.* 85), such Board may by Order * * * sanction the Scheme with or without conditions or modifications; when Sanction of Scheme.

(4) If the whole Area can be purchased by Agreement, the Order shall take effect without confirmation; Failing Agreement, the L. A. shall publish Notice thereof in the *London Gazette*, and by serving Notice on the Owners (*def. sec.* 29). As to purchase of Area.

Service of Notice, secs. 49, 50.

(5) Any Owner may within two months after such Publication petition the L. G. B. against the Order, whereupon the Order shall be Provisional unless confirmed by Parliament. Petition of Owner against Order.

(6) If the L. G. B. are satisfied that two months have elapsed since the Order was duly Published, and that a petition had not been presented, or had been withdrawn, they shall confirm the Order. Confirmation of Order.

Sec. 39.
Incorporation of
Lands
Clauses
Act.

(7) The Order may incorporate the provisions of the Lands Clauses Acts * * and the Area shall be acquired within 3 years after confirmation of the Order. Compensation in case of difference, to be settled by Arbitration (*sec.* 41).

Applica-
tion of
Provisions
of Part I.

(8) The following provisions of Part I. of this Act shall (with the necessary modifications) apply to any Scheme under this Section, viz :—

Sec. 9.—As to costs to be awarded in certain cases by a Committee of the House.

Sec. 12.—As to the duty of the L. A. to execute a Scheme when confirmed.

Sec. 13.—As to completion of Scheme on failure by L. A.

Sec. 22.—As to the extinction of Rights of Way and other Easements.

Penalty for obstructing execution of Act, secs. 51, 89. Power to enter and value premises, sec. 77.

Modifica-
tion of
Scheme.

(9) The L. G. B. may permit the L. A. to modify a Scheme if satisfied that an improvement can be made in the details. Provided that—

(a) if the Order was confirmed by Parliament, such modification shall be laid by the L. G. B. before Parliament, and

(b) If such Modification—

(i) requires a larger expenditure than previously sanctioned; or

(ii) authorizes the taking of Property otherwise than by Agreement; or

(iii) injuriously affects Property in a manner different to that proposed in the original Scheme without the consent of the Owner or Occupier;

notice of the Order authorizing the Modification shall be

Published, and may be Petitioned against, and shall be subject to Confirmation as if an original Scheme.

Original Scheme, sub-secs. 4, 5, 6. Compensation to Tenants, sec. 78.
Accounts and Audit, sec. 80.

40. Accommodation for Working Classes displaced.

The L. G. B. shall require the Scheme (*sec. 39*) to provide for Dwelling accommodation for the displaced Working Classes as circumstances seem to such Board to require.

SETTLEMENT OF COMPENSATION.

41. Arbitration.

(1) Compensation under this part of this Act to be settled by Arbitration, shall be settled by an Arbitrator appointed by the L. G. B.

(2) In settling the amount of any Compensation.

(a) The Estimate of the value of the Dwelling-house (*def. p. 333*) shall be based on the then fair market value (*see sub-sec. 3*), having regard to several interests, nature, condition, and repair of the Property, and to its probable duration in its existing state, and without additional allowance for compulsory purchase; and—

(b) The Arbitrator shall allow for any increased value which in his opinion will be given to other Dwelling-houses of the same Owner by such demolition or alteration (*sec. 38, sub-secs. (8), (9)*).

(3) Evidence shall be received by the Arbitrator to prove that the Dwelling-house—

(c) Is enhanced in value by being used for illegal purposes, or by being so overcrowded as to be dangerous or injurious to the health of the inmates; or—

(d) Is in a state of defective sanitation, or is not in reasonably good repair; or—

Estimated
value of
Dwelling-
house.

Better-
ment.

Evidence
before
Arbitrator.

Sec. 41. (e) Unfit, and not reasonably capable of being made fit, for human habitation ;

Basis of Compensation. and, if the Arbitrator is satisfied by such Evidence, the Compensation shall be—

(f) So far as it is based on the Rental, that Rental which would have been obtainable, if occupied for legal purposes, and not overcrowded as afore-said (c) ;

(g) The estimated value if put in sanitary condition, or reasonably good repair, after deducting the estimated expense of so doing ; (d)

(h) The value of the Land, and of the materials of the Buildings thereon (e).

This Section also provides for—

(4) Conveyance of Owners' interest to the L. A. on payment of the Compensation agreed or awarded—also as to faulty Title.

(5) Application of Secs. 32 to 37 of the "Lands Clauses Consolidation Act, 1845," to Arbitration.

(6) Arbitrators' Award may include several Properties, or shall (at request of L. A.) apply to portion only of disputed cases.

(7) Appointment of new Arbitrator on decease, etc.

(8, 9, 10) Power of Arbitrator to certify as to cost of Arbitration—also as to recovery of awarded Compensation.

(11) Award of Arbitrator to be final and binding.

Compensation to Tenants, sec. 78.

EXPENSES AND BORROWING (Secs. 42-44).

42. Expenses of L. A.

Expenses incurred under this part of this Act by—

(a) An U. A. shall be defrayed out of the General District Rate * *

(b) A R. A. (other than Expenses for obtaining a Closing Order, sec. 32) shall be charged as Special Expenses

on the Contributory Place (*def. sec. 229, p. 66*) Sec. 42.
in respect of which they are incurred.

Accounts and Audit, sec. 80; also—

P. H. Act, 1875: Special Expenses, sec. 229, p. 65.

P. H. Act Amendt. Act, 1890: Special Expenses, sec. 49, p. 119.]

43. Borrowing Powers. (*P. H. A., 1875, secs. 233-244, p. 67.*)

44. Annual Account to be presented by L. A.

Every L. A. shall annually present to the L. G. B. an account (in such form as the Board may desire) of what has been done, and of all moneys received and paid by them during the previous year under this part of this Act.

Accounts and Audit, sec. 80.

POWERS OF COUNTY COUNCILS AS TO RURAL A.

45. Powers of County Councils with respect to RURAL A.

(1) When the Medical Officer, or any inhabitant House-
holders make a Representation or Complaint, or give infor-
mation to any R. A.* respecting— R. A. to
report to
County
Council.

(a) any Dwelling-house being in a state so dangerous
or injurious to health as to be unfit for Human
Habitation (*sec. 32*); or—

(b) an “Obstructive Building” (*sec. 38*);
also—

(c) where a “Closing Order” has been made respecting
any Dwelling-house (*sec. 33*);
such R. A. shall forthwith forward to the County Council
a Copy of such Representation, etc., or “Closing Order,”
and from time to time report particulars of their proceed-
ings in respect thereto.

(2) When the County Council are of opinion that—

(d) proceedings for a “Closing Order” ought to be
instituted in respect of such Dwelling-house (*sec.*
32); or— Power of
County
Council
on failure
of R. A.
to act.

* This Section specially includes the Local Board of Woolwich.

- Sec. 45. (e) an Order ought to be made for "Pulling Down" such Obstructive Building (*sec. 38*); or
 (f) An Order ought to be made for "Demolition" when a "Closing Order" has been made (*sec. 33*);

On failure by R. A., C. C. may act. and after reasonable Written Notice of such opinion (not being less than one month) consider the R. A. have failed to act, the County Council may Resolve to that effect, whereupon the powers of the R. A. with respect to the said Dwelling-house, etc. (otherwise than in respect of a Scheme, *sec. 39*), shall vest in the County Council, and if an Order for "Closing," "Pulling Down," or "Demolition," is made, and not disallowed on Appeal, the Expenses incurred (including any Compensation paid) shall be repaid to the Council by the R. A.

Expenses of C. C. (3) Any such debt to the County Council shall be defrayed by the R. A. as Expenses (*under sec. 42*).

Powers of C. C. (4) The County Council shall, for the purposes of this Section, have the same right of admission to any Premises as the R. A. have under Secs. 102, 103, and 305 of the P. H. A., 1875 (*pp. 36, 84*).

Representation of County Med. O., *sec. 52*. Accounts and Audit, *sec. 80*.

46. Special Provisions as to London.

SUPPLEMENTAL TO PART II. (Secs. 47-52).

47. Provision as to Superior Landlord.

(1) When an Owner (*def. sec. 29*) of a Dwelling-house (*def.*), not in receipt of the rents and profits, gives the L. A. notice of such Ownership, the L. A. shall give him Notice of any proceedings taken with respect thereto.

(2) If on the application of any Owner to a Court of S. J., it appears that his interests will be prejudiced by default made—

(a) in the execution of any works where a Closing Order has been made (*sec. 33*); or

(b) in the Demolition of any Building or Dwelling-house Sec. 47.
(secs. 34–38); or

(c) in claiming to retain any Site (*sec. 38 (5)*);
the Court may make an Order empowering such Owner to enter and execute such Works (*a, b*), or make such claim (*c*) within a time specified in the Order. (*As to “Charging Order” on Premises, secs. 36, 37.*)

(3) The Court may enlarge the time allowed to any such Owner for compliance with their Order.

(4) Prior to making such Order, Notice of Application shall be given to the L. A.

48. Remedies of Owner for breach of Contract by Tenant or Lessee not to be prejudiced by Act.

49. Service of Notices on Owner of Dwelling-house.

Notices shall be served by the Clerk, if the Residence or place of Business of the Owner—

(a) be known to the L. A., and be within the District, on some one on such Premises; or if without the District, by Registered Letter;

(b) be not known and cannot be found, on the Occupier of the Dwelling-house, addressed to the Owner; or if unoccupied, by affixing it to some conspicuous part thereof.

Notice served upon the Agent shall be deemed Notice to the Owner.

Authentication of Notices, sec. 82.

50. “Owner” to be deemed sufficient description in any proceedings, without name or further particulars.

51. Penalty for preventing execution of Act (*see also sec. 89*).

(1) If, after Notice, the Occupier of any Dwelling-house prevents the Owner, or the Occupier or Owner prevents the Medical Officer or the Agents of such Owner or Officer, from carrying into effect any provisions of this part of this Act,

Sec. 51. a Court of S. J. may, on proof thereof, order such Person to permit such provisions to be carried into effect.

(2) *Daily Penalty* £20, for non-compliance with Order within 10 days after service.

* * * * *

Rec. of Penalty, sec. 90.

52. Report of County Medical Officer.

A Representation from the Medical Officer of any County forwarded by the County Council to the L. A. (not being a Borough, shall have the like effect as a Representation from the Medical Officer of the District (*secs.* 32, 38-45).

PART III.

WORKING-CLASS LODGING-HOUSES (Secs. 53-71).

NOTE.—May be adopted by U. A. (sec. 54) and by R. A. (sec. 55).

53. Definitions to Part III.

| Expression. | Definition. |
|--|--|
| “Lodging-houses for the Working Classes” | Shall include separate Houses or Cottages for the Working Classes, whether containing one or several tenements, and the purposes of this part of this Act shall include the provision of such Houses and Cottages. |
| “Cottage” . . . | May include a Garden of not more than half an acre provided that the estimated annual value of such Garden shall not exceed £3. |

54. Adoption by URBAN A.

May be adopted by U. A., and under sec. 55 by R. A.

55. Adoption by RURAL A. (sec. 54).

(1) A R. A. may apply to the County Council * for a Certificate of Adoption, specifying in such Application

“the Area in which they consider the Accommodation is necessary for the Housing of the Working Classes.”

Whereupon the County Council shall direct a Local Inquiry to be held by a Member thereof, or any Officer or Person appointed by them, and if such Member, Officer, or Person certifies—

(a) that such Accommodation is necessary in such Area, and that there is no probability of its being otherwise provided; and

* The County Council of the County in which the whole or greater part of the Area is situate.

Sec. 55. (b) that having regard to the liability which will be incurred by the Rates, it is under all the circumstances prudent for such R. A. to provide such Accommodation,

Advt. of Certificate. the County Council may publish the Certificate in a Local Newspaper, and thereupon such R. A. shall adopt Part III.

Provided that—

Date of Adoption. (a) such Adoption shall not take place before the next Election of Members of such R. A., unless the County Council state in publishing such Certificate, that by reason of the date of the Election or otherwise, an emergency renders it necessary to adopt Part III. immediately; and

Expiration of Certificate. (b) After the end of 12 months from the date of the Certificate, Part III. shall not be adopted without a fresh Certificate, and

Purchase of Land. (c) No Land shall be acquired, nor Building erected outside the Area mentioned in the Certificate, except after a fresh Application, Inquiry, and Certificate.

Acquisition of Land and purchase or erection of Lodging-houses, secs. 57-60.

Expense of Contributory Place. (2) Where the R. A. think it just that the Expenses shall be borne by some Contributory Place (*def. sec. 229, p. 66*) or Places only, they may in their application to the County Council request permission to so limit the Expenses, which limitation shall be inquired into at the Local Inquiry, and the County Council, if satisfied that the circumstances render such limitation just, may make an Order to that effect.

Expense of Inquiry. (3) Any Expenses incurred by a County Council in holding a Local Inquiry shall be repaid by the R. A. and defrayed as Expenses (*under sec. 65*).

EXECUTION OF PART III. (Secs. 56-60).

56. Powers of Local Authority.

Where Part III. has been Adopted the L. A. shall have power to carry it into execution (subject to sec. 55), and for that purpose may exercise the same powers, whether of contract or otherwise, as in the execution of their duties under the P. H. Acts.

P. H. Act, 1875: Contracts, secs. 173, 175, p. 55.

57. Acquisition of Land by L. A.

(1) Land may be acquired by the L. A. under secs. 175 to 178 of the P. H. Act, 1875 (*p.* 56).

(2) The L. A. may Contract for the Purchase or Lease of any "Lodging-house for the Working Classes" (*def. sec.* 53) already, or hereafter to be, built and provided.

Lodging-
houses for
Working
Classes.

(3) An U. A. may, with the consent of the L. G. B. and a R. A., with the consent of the County Council, appropriate for the purposes of this part of this Act, any Lodging-houses so Purchased or taken on Lease, or any other Land which may be vested in them or at their disposal.

Borrowing Powers, sec. 66. Accounts and Audit, sec. 80.

58. L. A. may Purchase existing Lodging-houses.

The Trustees of any Lodging-houses for the Working Classes (*def. sec.* 53) provided by private subscription or otherwise, may * * * Sell or Lease, or make over the management thereof to the L. A.

P. H. Act, 1875: Common Lodging-houses, secs. 76-90, p. 31.

59. Erection of Lodging-houses by L. A.

The L. A. may, on any Land acquired or appropriated (*sec.* 57) by them—

(a) Erect any Buildings suitable for Lodging-houses for the Working Classes (*def. sec.* 53);

- Sec. 59. (b) Convert any Buildings into Lodging-houses for the Working Classes ;
- (c) Alter, enlarge, repair, and improve the same respectively ;
- Furniture,
etc. (d) Fit up, furnish, and supply the same respectively, with all requisite furniture, fittings, and conveniences.

60. Sale and Exchange of Lands.

An U. A. may, with the consent of the L. G. B., and a R. A., with the consent of the County Council—

- (a) Sell any Land vested in them for the purposes of this part of this Act, and apply the proceeds in or towards the purchase of other Lands better adapted for those purposes ;
- (b) Exchange any such Land for other better adapted for those purposes, either with or without paying or receiving any money for equality of exchange.

Accounts and Audit, sec. 80. Application of purchase-money, sec. 82.

MANAGEMENT OF LODGING-HOUSES (Secs. 61–64).

61. Management to be vested in L. A.

The general management, regulation, and control of the Lodging-houses established or required by a L. A. (*sec.* 58, 59) shall be vested in and exercised by the L. A.; who may make such reasonable charges for their tenancy or occupation as they may determine by Regulations.

62. Byelaws for Regulation of Lodging-houses.

(1) The L. A. may make *Byelaws* for the management, use, and regulation of the Lodging-houses, and shall therein (except where occupied as a separate dwelling) make sufficient provision for—

- Schedule VI. {
- (a) securing that the Lodging-houses shall be under the management and control of the Persons appointed by the L. A. ;
 - (b) securing the due separation at night of males above 8 years old from females ;
 - (c) preventing damage, disturbance, interruption, indecent or offensive language and behaviour and nuisances ;
 - (d) determining the duties of the Persons appointed by the L. A.
- Sec. 62.

(2) A printed Copy or sufficient abstract of such Byelaws shall be put up and kept in every room.

Making of Byelaws, sec. 84; also—
P. H. Act, 1875: Making of Byelaws, p. 57. Power to make Byelaws for Common Lodging-houses, sec. 80, p. 31. Power to make Byelaws as to Houses let in Lodgings, sec. 90, p. 31.

63. Tenants to be disqualified from Occupation of Lodging-houses on receipt of Parochial Relief, except on account of accident or temporary illness.

64. When Lodging-houses considered too Expensive they may be sold.

Whenever any Lodging-houses established for 7 years under this part of this Act are determined by the L. A. to be unnecessary or too expensive, an U. A. with the consent of the L. G. B. and a R. A., with the consent of the County Council, may sell the same.

Application of purchase-money, sec. 82.

EXPENSES AND BORROWING (Secs. 65, 66).

65. Expenses.

Expenses incurred under Part III. shall be defrayed by—

- (a) an U. A. as General Expenses under secs. 207–8 of the P. H. Act, 1875 (p. 62) ;

Sec. 65. (b) a R. A. as Special Expenses under sec. 229 of the P. H. Act, 1875 (*p.* 65), and (save as prescribed in sec. 55 (2)), shall be deemed to be incurred for the common benefit of all the Contributory Places (*def. sec.* 229, *p.* 66), liable to bear such Expenses.

Provided that—if on the Application of the R. A. it is so declared at the time of publication of the Certificate (*sec.* 55 (2)), the said Expenses shall be defrayed as General Expenses under the P. H. Act, 1875 (*p.* 66), and if not to be borne by the whole of the District shall be paid out of a Common Fund to be raised in manner provided by the P. H. A., 1875, but as if the Contributory Places which are to bear those Expenses constituted the whole of the District.

Accounts and Audit, sec. 80.

66. Borrowing powers (*P. H. A., 1875, secs. 233–243, p. 67*).

LOANS TO AND POWERS OF COMPANIES, SOCIETIES, AND INDIVIDUALS (Secs. 67–71).

67. Loans by Public Works Loan Commissioners.

This Section empowers the Public Works Loan Commissioners to advance Loans to Companies, Societies, Associations and Individuals for the purpose of constructing, improving, facilitating, or encouraging the construction or improvement of Dwellings for the Working Classes (def. sec. 53), or for Trading or Manufacturing purposes where the Working Classes are employed.

Subject to certain conditions, the Loans shall be made as provided by the Public Works Loans Act, 1875.

Power to Companies to erect Workmen's Dwellings, sec. 68. Interest on Loans by Public Works Loan Commissioners, sec. 83.

68. Powers to Companies.

This Section empowers Trading and Manufacturing Companies, Societies and Associations to erect Dwellings for

the Accommodation of the Working Classes employed by Sec. 68. them.

69. Power to supply Water and Gas to Lodging-houses.

Water and Gas Authorities may supply Water and Gas to Lodging-houses provided under this part of this Act, either without charge, or on such other favourable terms as they think fit.

70. Inspection of Lodging-houses.

Lodging-houses established under this part of this Act shall be at all times open to the inspection of the L. A. or any Authorized Officer.

71. Application of Penalties.

Fines for the breach of any Byelaw (*sec.* 62), shall be paid to the credit of the Funds out of which the Expenses of this part of this Act are defrayed (*sec.* 65).

PART IV.

SUPPLEMENTAL (Secs. 72-93).

72 and 73. As to London only.

74. Amendment of the "Settled Land Act, 1882," as regards the erection of Buildings for the Working Classes.

(1) The Settled Land Act, 1882, shall be amended as follows—

(a) Any Sale, Exchange, or Lease of Land for the erection of Dwellings for the Working Classes may be made at such price, or for such consideration or rent, as having regard to the said purpose and to all the circumstances of the case, is the best that can be reasonably obtained.

* * * * *

(b) The Improvements enumerated or referred to in secs. 25 and 30 of the said Act shall include any Dwellings available for the Working Classes, the building of which in the opinion of the Court is not injurious to the Estate.

(2) Any body corporate may Sell, Exchange, or lease Land for the like purpose, and under the same conditions as prescribed in sub-sec. 1 (a).

75. Condition to be implied on Letting Houses for the Working Classes.

In any Contract made after Aug. 14th, 1885, for "Letting for habitation by Persons of the Working Class," a House, or part thereof, there shall be implied a Condition that the House is at the commencement of the holding in all respects reasonably fit for Human Habitation.

Definition
of Letting.

The expression, "Letting for habitation by Persons of the Working Class," means the Letting of a House, or part thereof, at a rent not exceeding in Liverpool £13, Man-

chester and Birmingham £10, and elsewhere £8 per Sec. 75. annum.

76. As to London only.

77. Power of L. A. to enter and value Premises.

Any Person authorized by the L. A. may, at all reasonable times of the day (on giving 24 hours' written Notice to the Occupier), enter any Dwelling-house, Premises, or Building, which the L. A. are authorized to purchase compulsorily under Parts I. and II., for the purpose of surveying and valuing the same.

78. Compensation to Tenants for Expense of Removal.

When a Building, or part thereof, purchased by the L. A. under Parts I. or II., is not closed by a "Closing Order" (*sec.* 32), and the Tenants Contract of Tenancy is for less than a year, the L. A., if requiring possession for the purpose of pulling down, may make such Tenant a reasonable allowance for his Expenses in removing (*see secs.* 12, 14, 21).

79. Duties of Medical Officer under Parts I. and II. may be executed by authorized substitute.

80. Accounts and Audit.

(1) Separate Accounts shall be kept by the L. A. of Receipts and Expenditure under each part of this Act; and

(2) shall be Audited, as Accounts of the L. A. are required to be Audited under Sec. 246-250 of the P. H. A., 1875 (*p.* 69).

81. Power of L. A. to appoint Committees for management, but without power to make Rate, Contract, etc.

82. Application of Purchase Money.

The proceeds of the Sale of any Land acquired by a L. A.

Sec. 82. for any of the purposes of this Act, shall be applied for any purpose, including repayment of borrowed money, for which capital money may be applied, and which is approved by the L. G. B.

83. Rates of Interest on Loans by Public Works Loan Commissioners.

84. Byelaws.

Secs. 182 to 187 P. H. Act, 1875, relating to Byelaws, shall apply to Byelaws made under this Act.

Rec. of penalties, sec. 9.

85. Local Inquiries.

L. G. B. may cause Local Inquiries to be held, the cost of which and of other Inquiries to be paid by the L. A.

Secs. 293, 296, 298, P. H. A., 1875 (*p.* 81) shall apply for the purpose of any Order of, or Inquiry by, the L. G. B.

86. Orders, Notices, etc.

Orders in Writing made by the L. A. shall be under their Seal and authenticated by the Signature of the Clerk or his lawful Deputy.

Notices, Demands, or other Written Documents shall be signed by the Clerk or his lawful Deputy.

87. Service of Notice, etc., on L. A.

88. Prohibition on Persons interested Voting as Members of L. A.

89. Penalty for obstructing the execution of Act.

Penalty £20 for obstructing the Medical Officer, or any Officer of the L. A. or the L. G. B. in the performance of their duties under this Act.

90. Punishment of Offences and recovery of Fines under the Summary Jurisdiction Acts.

91. Powers of Act to be cumulative.

92. Definitions, Local Authority, etc.

93. Definition—

“Land” includes any right over Land.

PART V.

APPLICATION OF ACT TO SCOTLAND (Secs. 94–97).

PART VI.

APPLICATION OF ACT TO IRELAND (Secs. 98–101).

PART VII.

REPEAL AND TEMPORARY PROVISIONS (Secs. 102–3).

SCHEDULES.

SCHEDULE I.

Definition of Local Authority and Local Rate.

SCHEDULE II.

Provisions with respect to the Purchase and taking of Lands otherwise than by Agreement, and otherwise amending the Land Clauses Acts.

- (1-3) Deposit of Maps and Plans.
- (4) Appointment of Arbitrator.
- (5-10) Proceedings on Arbitration.
- (11-13) Special Powers of Arbitration.
- (14-23) Payment of Purchase Money.
- (24-25) Entry on Lands on making Deposit.
- (26-27) Appeal.
- (28-29) Costs of Arbitration.
- (30-32) Miscellaneous.
- (33-34) Application of Schedule to Scotland.
- (35) ,, ,, Ireland.

SCHEDULE III.

Enactments applied for the purpose of Proceedings for Closing Premises.

(P. H. A., 1875, Secs. 91, 94 (parts only), 95, and 97.)

91. Definition of Nuisance.

For the purposes of this Act, any Premises in such a state as to be a Nuisance or injurious to health shall be deemed to be Nuisances liable to be dealt with summarily in manner provided by this Act.

94. L. A. to serve Notice requiring Abatement of Nuisance.

The L. A. shall serve a Notice on the Owner or Occupier of the Premises on which the Nuisance arises, requiring him to abate the same within a specified time, and to execute such works and do such things as may be necessary for that purpose.

Provided that—where the Nuisance arises from the want of defective construction of any structural convenience, or where there is no Occupier, Notice shall be served on the Owner.

95. On non-compliance with Notice complaint to be made to Justice.

If such Person fails to comply with any of the requisitions of the Notice (*sec.* 94), or if the Nuisance although abated is, in the opinion of the L. A., likely to recur, the L. A. shall make complaint to a Justice, who shall thereupon summon such Person to appear before a Court of Summary Jurisdiction.

97. Order of Prohibition in case of House unfit for Human Habitation.

Where the Nuisance is such as, in the opinion of the Court, renders a House or Building unfit for Human Habitation, the Court may prohibit its use therefore until, in their opinion, it has been rendered fit for that purpose. On the Court being satisfied thereon, they may determine their previous Order by another Order, declaring the same habitable.

SCHEDULE IV.

Forms.

Form A. Form of Notice requiring Premises to be made fit for Habitation.

„ B. Form of Summons for Closing Order.

„ C. Form of Closing Order.

SCHEDULE V.

Form of Charging Order.

SCHEDULE VI.

Byelaws to be made in all cases (except where a Lodging-house is used as a separate Dwelling) (*see sec.* 62, *p.* 352).

SCHEDULE VII.

Enactments Repealed (*see p.* 316).

WORKING CLASSES DWELLINGS ACT, 1890.*

(53 & 54 VICT., CAP. 16.)

An Act to facilitate gifts of Land for Dwellings for the Working Classes in Populous Places.

Note.—For Housing of the Working Classes Act, 1885, see p. 313.
Do. do. 1890, see p. 316.

1. Parts I. and II. of the Mortmain and Charitable Uses Act, 1888— * * shall not apply to any assurance, by Deed or Will, of Land, or of Personal Estate to be laid out in Land, for the purpose of providing Dwellings for the Working Classes situate in * * any Municipal Borough, *Urban* District, or other place having a dense population of an *Urban* character.

Provided that—

(a) The quantity of Land which may be assured by Will shall not exceed 5 acres; and—

(b) The Deed or Will must be enrolled in the Books of the Charity Commissioners within 6 months after the execution of the Deed, or of the Probate of the Will * * *

2. * * * * *

* As to Working Class Lodging-houses, see "Housing of the Working Classes Act, 1890," Part III. (p. 349).

3. Short Title and construction.

* * * * *

Expressions used in this Act shall have the same meaning as in the Mortmain and Charitable Uses Act, 1888.

LOCAL GOVERNMENT.

| | | | |
|----------------------------|-----|-----|-------------|
| LOCAL GOVERNMENT ACT, 1888 | ... | ... | PAGE 367 |
| LOCAL GOVERNMENT ACT, 1894 | ... | ... | 389 |

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 VICT., CAP. 41.)

ARRANGEMENT OF SECTIONS.

PART I.

COUNTY COUNCILS (Secs. 1-30).

SECTION

1, 2. Establishment, Composition, and Election of County Council.

POWERS OF COUNTY COUNCIL (Secs. 3-19).

- 3. Transfer to C. C. of administrative business of Quarter Sessions.
- 4. Power of L. G. B. to transfer certain powers of Quarter Sessions and Justices under Local Acts.
* * * * *
- 6. Power of C. C. to purchase or erect Bridges.
- 7. Transfer to C. C. of powers of Licensing of Places for Stage Plays and of the Explosives Act.
* * * * *
- 11. Entire maintenance of Main Roads by C. C.
- 12, 13. Isle of Wight and South Wales.
- 14. Power of C. C. to enforce Rivers Pollution Prevention Act, 1876.
- 15. C. C. may oppose Bills in Parliament.
- 16. Power of C. C. to make Byelaws under Municipal Corporations Act, 1882.
- 17-19. Appointment, etc., of Medical Officer of Health.
- 20-27. Financial Relations between Exchequer and County and contributions by County for costs of Union Officers.
- 28-30. General provisions as to transfer of powers of Quarter Sessions to C. C.

PART II.

APPLICATION OF ACT TO BOROUGHES, THE METROPOLIS,
AND CERTAIN SPECIAL COUNTIES AND LIBERTIES (Secs.
31-49).

PART III.

ALTERATION OF BOUNDARIES (Secs. 50-63).

PART IV.

FINANCE (Secs. 64-74).

| | | | | | | |
|--|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| 65. Power to acquire Lands, etc. | | | | | | |
| * | * | * | * | * | * | * |
| 69. Borrowing Powers. | | | | | | |
| * | * | * | * | * | * | * |
| 71. Accounts and Audit. | | | | | | |
| * | * | * | * | * | * | * |
| 74. Annual Estimate of Receipts and Expenditure. | | | | | | |

PART V.

SUPPLEMENTAL (Secs. 75-102).

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| 85. Regulations for Bicycles. | | | | | | |
| * | * | * | * | * | * | * |
| 87. Local Inquiries and Provisional Orders. | | | | | | |
| * | * | * | * | * | * | * |
| 97. Saving as to Main Roads. | | | | | | |
| * | * | * | * | * | * | * |
| 100. Definitions. | | | | | | |
| * | * | * | * | * | * | * |

PART VI.

TRANSITORY PROVISIONS (Secs. 103-126).

LOCAL GOVERNMENT ACT, 1888.

(51 & 52 VICT., CAP. 41.)

An Act to Amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith.

PART I.

COUNTY COUNCILS (Secs. 1-30).

1, 2. Establishment, composition, and election of County Council.

Highway and Bridges Act, 1891, p. 488. Contract with C. C. for supply of Road Materials not to disqualify for Election to C. C., sec. 5.

POWERS OF COUNTY COUNCIL (Secs. 3-19).

3. Transfer to County Council of administrative business of Quarter Sessions.

The administrative business of Quarter Sessions shall be transferred to the C. C. in respect to the following matters:—

- (a) Rating and Expenditure;
- (b) Borrowing;
- (c) Passing Accounts, etc., of County Treasurer;
- (d) Shire and County Halls, Assize Courts, Judge's Lodgings, Lock-up Houses, Court Houses, Justices' Rooms, Police Stations, and County Buildings, Works and Property;
- (e) Licensing of Race-courses, and of Houses and Places for Music and Dancing;
- (f) Asylums for Pauper Lunatics;
- (g) Reformatory and Industrial Schools;

Sec. 3.

- (h) Bridges and Roads repairable therewith, and the powers of the County A. under the Highways and Loco. (Amendt.) Act, 1878 (p. 476);
- (i) Table of Fees of any Inspector, Analyst, etc., except the Clerk of the Peace and Justices' Clerks;
- (j) Appointment, etc., of County Treasurer, County Surveyor, Public Analysts, Officer under the Explosives Act, 1875, and other Officers paid out of the County Rate, except the Clerk of the Peace and Justices' Clerks;
- (k) Coroner's Salary, etc.;
- (l) Parliamentary Elections;
- (m) The executive as Local A. of the Acts relating to:—
 - (i.) Contagious Diseases of Animals;
 - (ii.) Destructive Insects;
 - (iii.) Fish Conservancy;
 - (iv.) Wild Birds;
 - (v.) Weights and Measures;
 - (vi.) Gas Meters;
 and of the Local Stamp Act, 1869;
- (n) Matters arising under the Riot (Damages) Act, 1886;
- (o) Registration of Rules of Scientific Societies, Registration of Charitable Gifts, Certification, etc., of places of Religious Worship, and Confirmation, etc., of the Rules of Loan Societies;
- (p) Any other business transferred by this Act.

Transfer of powers of Local Acts to C. C., sec. 4. Power of C. C. to purchase, or erect new, Bridges, sec. 6. Transfer to C. C. of power of Licensing places for Stage Plays, and the Explosives Acts, sec. 7. Entire cost of Main Roads to be borne by C. C., sec. 11. Power of C. C. to enforce Rivers Pollution Act, 1876, sec. 14. General provisions as to transfer of powers of Quarter Sessions to C. C., secs. 28–30. County Borough to have powers of C. C., sec. 34. Transfer to County Borough of County Bridges and Approaches, sec. 34. Application of Act to Boroughs, secs. 35–39. Application of Act to Special Counties and to Liberties, secs. 46–49. Power of C. C. to acquire Lands and to Borrow, secs. 65, 69. Accounts and Audit, sec. 71. Annual Estimate of Receipts and Expenditure, sec. 74.

Highways and Loco. (Amendt.) Act, 1878, p. 476. Power of County A.—to enforce performance of duty by defaulting Highway A., sec. 10; to declare ordinary Highway a Main Road, or *vice versâ*, secs. 15, 16; to accept, or contribute towards erection of, Bridges, secs. 21, 22; to make Byelaws as to the width, etc., of Wheels of Waggon, etc., and as to gates on Highways, sec. 26; to sanction use of Loco. of excessive weight, etc., on Roads, sec. 28; to make Byelaws as to hours during which Locos. may pass over Roads, etc., and for regulating such use on Bridges, sec. 31; to License Locos., sec. 32.

4. Power of L. G. B. to transfer certain powers of Quarter Sessions and Justices under Local Acts to County Council.

See previous Section, and references thereto.

* * * *

6. Power of County Council to purchase or erect new Bridges.

The C. C. may—

- (a) purchase or take over on agreed terms existing Bridges not being at present County Bridges;
- (b) erect new Bridges;
- (c) maintain, repair, and improve such Bridges (a, b).

Transfer of County Bridges to C. C., sec. 3 (h). Transfer to County Borough of County Bridges and Approaches, sec. 34; also—
Highway and Bridges Act, 1891, p. 488. Power of Authorities to agree for improvement of Bridges, sec. 3.
See also sec. 21, Highways and Loco. (Amendt.) Act, 1878, and Notes and References thereto (p. 480).

7. Transfer to County Council of the following powers of Justices out of Session.

- (a) Licensing of Houses or Places for the public performance of Stage Plays;
- (b) Execution as L. A. of the Explosives Act, 1875.

Transfer to C. C. of administrative business of Quarter Sessions, sec. 3.

MAIN ROADS.

11. Entire maintenance of Main Roads by County Council.

- (1) Every Road in a County,^a which is for the time being a Main Road within the meaning of the Highways and Loco. (Amendt.) Act, 1878 (*secs.* 13–17, *p.* 479), inclusive of every Bridge * carrying such Road if repairable by the Highway A.,^a shall, after April 1st, 1889, be wholly maintained by the C. C., who—

Main Roads and Bridges to be maintained by C. C.

^a Definition, sec. 100.

* As to Bridges, see sec. 21, Highway and Loco. (Amendt.) Act, 1878 (p. 480), and References and Notes thereto.

Sec. 11.

(a) for the purpose of maintenance, improvement, enlargement, or other dealing with such Road shall have the same power, and be subject to the same duties as a Highway Bd.,* and may further exercise any powers vested in the Council for the maintenance of Bridges (*sec. 3, p. 370*), and the enactments relating to Highways and Bridges shall apply accordingly ;

(b) shall have the same powers as a Highway Bd. for preventing and removing obstructions,† and for asserting the right of the Public to the use and enjoyment of the roadside wastes ;

The costs of the execution of this Section to be charged to the General County Account.

Urban A. may retain maintenance of Main Roads (2). District C. to undertake maintenance, if required (4). Main Roads to vest in C. C. (6). As to Roads declared Main Roads by C. C. (7). C. C. may contribute towards repair, etc., of Highways (10). Lighting of Main Roads (11). As to repair of Main Roads broken up (12). County Borough to have powers of C. C., *sec. 34*. Saving as to Main Roads, *sec. 97*.

Highways and Bridges Act, 1891, *p. 488*. Power of Authorities to agree for improvement of Roads and Bridges, *sec. 3*. Power to reduce Main Road to status of ordinary Highway, *sec. 4*.

Highway and Loco. (Amendt.) Act, 1878, *p. 476*. Ordinary Highway may become Main Road, *sec. 15*. Power to reduce Main Road to status of ordinary Highway, *sec. 16*. As to repair of Main Roads in certain Counties, *sec. 20*. Recovery of Expense due to extraordinary Traffic, *sec. 23*. Power of County to make Byelaws as to the width, construction, and locking of Wheels of Waggon, etc., *sec. 26*.

U. A. may
retain
main-
tenance of
Main
Roads.

(2) Provided that any URBAN A.^a may, within 12 months after April 1st, 1889, or in the case of a Road becoming a Main Road^a at any subsequent date, then within 12 months after that date, claim to retain the powers and duties of maintenance ; for which purpose they shall have the same powers of maintenance, improvement, enlargement, and other dealing with such Road, as if it were an ordinary Road vested in them, and the C. C. shall make such A. an annual payment towards the costs of main-

Annual
payment.

* As to powers and duties of Highway Bd., see *sec. 17*, Highway Act, 1862 (*p. 463*), and References thereto.

† As to Encroachments, etc., on Highways, see *sec. 69*, Highway Act, 1835 (*p. 447*), and References thereto, also Note as to disturnpiked Roads.

^a Definition, *sec. 100*.

tenance and repair, and reasonable improvement connected with such maintenance and repair. Sec. 11.

Such payment to be an agreed Annual Sum (3). District C. to undertake maintenance if required by C. C. (4). County Surveyor to Report on Roads before payment is made (5). As to Roads declared Main Roads by C. C. (7). Power of C. C. as to Main Roads out of Repair (8). Lighting of Main Roads (11). Saving as to Main Roads, sec. 97.

(3) Such Payment (2) shall be an Annual Sum from time to time agreed on ; or in the absence of Agreement may be determined by the L. G. B. (*sec.* 63). Annual Payment.

County Surveyor to Report before payment is made (5).

(4) The C. C., and any District C.^a may Contract for the undertaking by the latter of the maintenance, improvement, enlargement, and other dealing with any Main Road,^a and if the C. C. so require, the District C. *shall* undertake the same, and such undertaking shall be in consideration of such annual payment by the C. C. as may from time to time be agreed upon, or, in case of difference, as determined by the L. G. B. (*sec.* 63). The District C. being subject to the same powers, duties, and liabilities, as if the Road were an ordinary Road vested in them. District C. to undertake maintenance if required.

County Surveyor to Report before payment is made (5). Power of C. C. as to Main Road out of repair (8). Lighting of Main Roads (11). As to repair of Main Roads in certain Counties (13). Saving as to Main Roads, sec. 97.

(5) Before making any Payment—

- (a) to a District C.^a towards the costs of such undertaking (4); Before making Payment, Surveyor to Report on Roads.
- (b) to an Urban A.^a towards the costs of the maintenance, or improvement of any Road (2, 3);

the C. C. shall be satisfied by their Surveyor's Report that the work has been properly executed.

Differences to be referred to the L. G. B. (9).

(6) Except where the URBAN A.^a retain maintenance (2), a Main Road,^a the Materials thereof, and all Drains belonging thereto, shall vest in the C. C., who shall also have Main Road, etc., to vest in C. C.

^a Definition, sec. 100.

Sec. 11. the right to use any Sewer or Drain previously used for the drainage of such road. Differences to be referred to Arbitration (*sec.* 62).

P. H. Act, 1875. Vesting of Streets in Urban A., *sec.* 149, p. 43.

Roads de-
clared
Main
Roads.

(7) Where a C. C. declare a Road to be a Main Road,^a such declaration shall not take effect until such Road is placed in proper repair and condition to their satisfaction.

Differences to be referred to the L. G. B. (9).

Highway and Loco. (Amendt.) Act, 1878. Power of C. C. to declare ordinary Highway a Main Road, *sec.* 15, p. 479.

Main Road
out of re-
pair.

(8) The C. C. may, on their Surveyor's Report that any portion of a Main Road ^a maintained by a District C.^a (2, 4) is not in proper repair and condition, by Notice require such Road to be placed in proper repair and condition.

Failing compliance with such Notice, the C. C. may do the work and recover the expense.

Differences to be referred to the L. G. B. (9).

Differences
under secs.
5, 7, & 8,
how
settled.

(9) Any difference as to—

(a) the refusal of the C. C. to make a payment to a District C.^a (5);

(b) a Road having been placed in proper repair previous to becoming a Main Road ^a (7);

(c) any Notice to a District C.^a to place a Road in proper repair (8)

to be referred to the L. G. B.

C. C. may
contribute
towards
highways
and Foot-
ways.

(10) The C. C. may contribute towards the maintenance, repair, enlargement, and improvement of any Highway or Public Footpath, although not a Main Road.

Lighting
Main
Roads.

(11) Every A. having any power or duty to light the Roads in their District shall have the same power and duty to light Main Roads ^a therein.

P. H. Act, 1875. Lighting Streets in Urban Districts, *secs.* 161–163, p. 50. Investment of Rural A. with powers of Urban A., *sec.* 276, p. 77.

Watching and Lighting Act, 1833, p. 245. Lighting Streets in Rural Districts.

^a Definition, *sec.* 100.

Electric Lighting Acts, 1882-1888. Power of Urban A., or Rural A., to Sec. 11. obtain Licence or Provisional Order, secs. 3, 4, p. 255.

(12) Anything authorized or required by Law to be done by or to a Highway or Road A. shall, as respects a Main Road, be done by or to a C. C.; and every A. having power to break up Roads for Sewerage, etc., in their District, shall have the like powers over Main Roads. Provided that Main Roads broken up shall be repaired to the satisfaction of the C. C., failing which the C. C. may do the work and recover the expense.

P. H. Act, 1875, p. 7, secs. 16, 32, 54.

Waterworks Clauses Act, 1847, secs. 28-34, p. 200.

Gasworks Clauses Act, 1847, secs. 6-12, p. 224.

Electric Lighting Acts, 1882, secs. 12, 13, p. 260.

Provisional Orders, sec. 9-12, p. 282.

Railway Clauses Consolidation Act, 1845, p. 502, secs. 52-58, 66.

Tramway Act, 1870, p. 417, secs. 26-29.

Power to
break up
Streets,
etc.

(13) Sec. 20, Highways and Loco. (Amendt.) Act, 1878 (p. 480), shall apply as if it were herein re-enacted, and in terms made applicable to this Section.

12. Isle of Wight.

Tolls under the Isle of Wight Highways Acts, 1813-83 to cease, and the Highways and Loco. (Amendt.) Act, 1878 (p. 476), as amended by this Act, to apply. Such Roads to become Main Roads.

13. South Wales.

County Road Rate, and Tolls to cease on Roads repaired by County Roads Board in South Wales, and the Highways and Loco. (Amendt.) Act, 1878 (p. 476), as amended by this Act, to apply as if the Highway Districts had been constituted under the Highway Acts, 1862-64 (pp. 461-475). Such Roads to become Main Roads.

14. Power to County Council to enforce Rivers Pollution Prevention Act, 1876.

(1) The C. C. shall have power, in addition to any other Authority, to enforce the Rivers Pollution Prevention Act,

Sec. 14. 1876 (*p.* 129), in relation to so much of any Stream as is situate within, or passes through or by, any part of their County.

C. C. may contribute towards prosecution. (2) C. C. may contribute towards the costs of any prosecution instituted by any other C. C., or by an Urban or Rural A.^a

Constitution of Joint Committee. (3) The L. G. B. may, on the application of any of the Councils concerned, by P. O., constitute a Joint Committee or other Body representing all the administrative Counties through, or by which a River, or any specified portion or tributary of a River, passes; and having the powers and duties of a Sanitary Authority under the said Act.

15. County Council may oppose Bills in Parliament.

16. Byelaws under Municipal Corporations Act, 1882.

The C. C. may make *Byelaws* for the whole or part of their County, under Sec. 23, Municipal Corporations Act, 1882,* and Sec. 187, P. H. Act, 1875 (*p.* 59), shall apply to the making of such Byelaws.

Such Byelaws not to apply to any Borough.^a

17. County Council may appoint Medical Officer.

P. H. Act, 1875. Appointment of Medical Officer by U. A., sec. 189; by R. A., sec. 190, *p.* 59.

18. Qualification of Medical Officer.

19. Power of County Council as to Report of Medical Officer.

20-27. Financial Relations between Exchequer and

^a Definition, sec. 100.

* Under Sec. 23, Municipal Corporations Act, 1882, a Borough Council may make Byelaws:—

(a) for the good rule and government of the Borough;

(b) for prevention and suppression of Nuisances not already punishable under any other Act in force.

County and Contributions by County for Costs of Union Secs. 20-27.
Officers.

28-30. General Provisions as to Transfer of powers of
Quarter Sessions to County Council.

Transfer of administrative business of Quarter Sessions, sec. 3. Transfer
of powers of Justices out of Session, sec. 7.

PART II.

APPLICATION OF ACT TO BOROUGHES, THE METROPOLIS AND CERTAIN SPECIAL COUNTIES (Secs. 31-49).

APPLICATION OF ACT TO BOROUGHES (Secs. 31-39).

31. Certain large Boroughs to be County Boroughs.

Each of the following Boroughs (having a population of not less than 50,000, or being a County of itself) shall, for the purpose of this Act, be an administrative County of itself, and is herein referred to as a County Borough:—

| | | |
|-----------------------|---|--|
| Schedule III. of Act. | { | Barrow, Bath, Birkenhead, Birmingham, Blackburn, Bolton, |
| | | Bootle-cum-Linacre, Bradford, Brighton, Bristol, Burnley, Bury, |
| | | Canterbury, Cardiff, Chester, Coventry, Croydon, Derby, Devon- |
| | | port, Dudley, Exeter, Gateshead, Gloucester, Great Yarmouth, |
| | | Halifax, Hanley, Hastings, Huddersfield, Ipswich, Kingston- |
| | | upon-Hull, Leeds, Leicester, Lincoln, Liverpool, Manchester, |
| | | Middlesborough, Newcastle-upon-Tyne, Northampton, Norwich, |
| | | Nottingham, Oldham, Plymouth, Portsmouth, Preston, Reading, |
| | | Rochdale, Saint Helens, Salford, Sheffield, Southampton, South |
| | | Shields, Stockport, Sunderland, Swansea, Walsall, West Bromwich, |
| | | West Ham, Wigan, Wolverhampton, Worcester, York. |

* * * * *

Application of Act to County Boroughs, sec. 34.

32. Adjustment of Financial Relations between County and County Boroughs.

Definition of County Borough, sec. 31.

33. Provisions as to Police, and for obtaining the Rateable Value of a County and County Boroughs.

Definition of County Borough, sec. 31.

34. Application of Act to County Boroughs.

(1) Council of County Borough to be subject to all the powers, duties, and liabilities of a C. C. under this Act. * * (For powers of C. C., see sec. 3, and References thereto.) County Borough to have powers of C. C.

(2) All Bridges,* and approaches thereto, or parts thereof, situate within a County Borough, previously repaired by the County, or by any Hundred therein, shall be transferred to the County Borough, and the cost of repairing the same, or of any Main Roads,† shall be payable out of the Borough Fund. County Bridges to be transferred to County Borough.

* * * * *

Definition of County Borough, sec. 31. Adjustment of Financial Relations between County and County Boroughs, sec. 32. Provisions for obtaining the Ratable Value of County Boroughs, sec. 33. Power of L. G. B. to alter Boundaries, etc., sec. 54. Saving as to Main Roads, sec. 97.

Local Gov. Act, 1894: County Borough to have powers of District C. under sec. 25, p. 403.

35. Application of Act to Quarter Sessions Boroughs (not being County Boroughs, sec. 34), with a pop. of 10,000, according to Census of 1881.

(1) Nothing in this Act shall transfer to the C. C. any power of the Borough Council as L. A., nor (save as herein expressly mentioned) alter their powers, duties, and liabilities under the Municipal Corporations Act, 1882, but subject to the above provisions, and to the savings hereinafter contained, the Borough^a shall form part of the County for the purposes of this Act. Borough, with certain exceptions, to form part of County.

* * * * *

(3) The Borough shall, for the purposes of the provisions of the Highways and Loco. (Amendt.) Act, 1878, respecting Main Roads (secs. 13-17, p. 479) form part of the County,^a and the costs of maintaining, etc., Main Roads,^a shall be paid out of the County Fund. Maintenance of Main Roads by C. C.

(4) Provided that—

* As to Bridges, see sec. 21, Highway and Loco. (Amendt.) Act, 1878, and References and Notes thereto, p. 480.

† As to Main Roads, see sec. 13, Highway and Loco. (Amendt.) Act, 1878, and References and Note thereto, p. 479.

^a Definition, sec. 100.

Sec. 35.

Byelaws,
etc., as to
Locomo-
tives.

(a) the Borough shall be deemed to be an Urban District under the Highways and Loco. (Amendt.) Act, 1878, *sec. 38, p. 485*), and the Council thereof shall have the power under that Act of making *Byelaws* respecting Locomotives (*sec. 31, p. 499*), and authorizing Locomotives to be used on any Road in the Borough (*sec. 28, p. 498*), save that if any difference is made in such Byelaws between any Main Road maintained by the C. C., and the other Roads such Byelaws shall require the approval of the C. C.

Power to
retain
main-
tenance of
Main
Roads.

(b) The Borough Council may claim as an Urban A.^a to retain the powers and duties of maintaining their Main Roads (*sec. 11(2)*).

* * * * *

Application of Act to Quarter Sessions Boroughs, pop. under 10,000, *sec. 38*.

Power of L. G. B. to alter Boundaries, etc., *sec. 54*. Saving as to Main Roads, *sec. 97*.

36. Application of Act to Boroughs with separate Commission of the Peace.

Transfer of
powers of
Quarter
Sessions to
C. C.

Where a Borough^a has a separate Commission of the Peace, whether a Quarter Sessions Borough or not (not being a County Borough, *sec. 34*), then, subject to the provisions of this Act, the powers, duties, and liabilities of the Court of Quarter Sessions or Justices, as in the case of a County (*secs. 3, 7*), shall be transferred to the C. C.

* * * * *

37. Application of Act to Quarter Sessions Boroughs hereafter created.

38. Application of Act to Quarter Sessions Boroughs, with a pop. of less than 10,000, according to the Census of 1881.

There shall be transferred to the C. C. the powers, duties, and liabilities, as regards:—

^a Definition, *sec. 100*.

- (a) Asylums for Pauper Lunatics;
 (b) Coroners;
 (c) Appointment of Analysts under the Sale of Food and Drugs Acts;
 (d) the Acts relating to—

Sec. 38.

- (i.) Reformatory and Industrial Schools;
 (ii.) Fish Conservancy;
 (iii.) Explosives;

- (e) High ways and Loco. (Amendt.) Act, 1878 (*p.* 476).

Provided that the transfer shall not (save as respects the Coroner) affect the powers, duties, and liabilities of the Borough Council, under the Municipal Corporations Act, 1882. Saving for Boroughs.

- (3) The Borough shall be an Urban District (*def. sec.* 38, *p.* 485) under the Highways and Loco. (Amendt.) Act, 1878.

* * * * *

Application of Act to Quarter Sessions Boroughs, pop. 10,000, sec. 35.
 Power of L. G. B. to alter Boundaries, sec. 54.

39. Application of Act to Boroughs (with or without a separate Court of Quarter Sessions) containing a pop. under 10,000, according to Census of 1881.

(1) There shall be transferred to the C. C. the powers, duties, and liabilities as regards—

- (a) Police Force;
 (b) Appointment of Analysts under the Sale of Food and Drugs Act;
 (c) the execution of the Contagious Diseases (Animals) Acts,* 1878–1886, or the Destructive Insects Act, 1877;
 (d) Gas Meters;
 (e) Weights and Measures;
 (f) Explosives.

Application of Act to County Boroughs, sec. 34; to Quarter Sessions Boroughs, pop. 10,000, sec. 35; to Quarter Sessions Boroughs under 10,000 pop., sec. 38. Power of L. G. B. to alter Boundaries, sec. 54.

* Except the powers, etc., under sec. 34 of the Contagious Diseases Act, 1878, as amended by sec. 9 of the 1886 Act.

METROPOLIS (Secs. 40-45).

APPLICATION OF ACT TO SPECIAL COUNTIES AND
TO LIBERTIES (Secs. 46-49).**46. Special Counties.**

The following shall, for the purposes of this Act, be separate administrative Counties—

- (a) The Ridings of Yorkshire, and the Divisions of Lincolnshire ;
- (b) The Eastern and Western Divisions of Sussex and Suffolk ;
- (c) The Isle of Ely, and the Residue of the County of Cambridge ;
- (d) The Soke of Peterborough, and the Residue of the County of Northampton.

* * * * *

47. Saving for Manchester Assize Courts Act, 1858.

48. Every Liberty and Franchise of a County wholly or partly exempt from County Rate, except otherwise provided, to form part of the County, of which it forms part for Parliamentary Elections.

49. Scilly Islands.

Power of L. G. B. to make Provisional Order for regulating the application of this Act, also the Highway Acts, P. H. Act, 1875, and amendments, to the Scilly Islands, and for other purposes.

PART III.

BOUNDARIES * (Secs. 50-63).

* * * * *

54. Power of L. G. B. to alter Boundaries on the representation of any County or Borough that—

- (a) It is desirable to alter the Boundary of any County^a or Borough;^a
- (b) to combine, for the purposes of this Act, a County Borough (*sec.* 31) with a County;
- (c) to combine, for the purposes of this Act, any Counties or Boroughs, or the Division of any County;
- (d) to constitute any Borough of 50,000 pop. a County Borough;
- (e) to alter the Boundary of any Electoral Division of a County, or of the number of County Committees and Electoral Divisions in a County;
- (f) to alter any Local Gov. Area partly situate in their County or Borough.

* * * * *

Power of C. C. to alter any County District, or Parish, *sec.* 57. Supplemental Provisions as to alteration of Areas, *secs.* 59, 60; also—
P. H. Act, 1875. As to alteration of Areas, *secs.* 270-278, p. 76.

55. Contents of Provisional Order amalgamating Boroughs.

56. Procedure for Charter of New Borough.

57. Power of County Council to alter any County District^a (not a Borough) or Parish, as to—

- (a) the alteration or definition of the Boundary;

* See also Local Gov. Act, 1894, *secs.* 36-42, p. 406.
^a Definition, *sec.* 100.

- Sec. 57.
- (b) the division thereof, or union with other such Districts or Parishes, or the transfer of part of a Parish to another Parish;
 - (c) the conversion of any such District (or part thereof), if a Rural D. into an Urban D., or if an Urban D. into a Rural D., or the transfer of the whole or part of any such District to another District, and the formation of new Urban or Rural Districts;
 - (d) the division of an Urban D. into Wards;
 - (e) the alteration of Wards, or of the number of Members of any District C., or of the apportionment of such members among the Wards.

Orders by the C. C., under sub-secs. *a*, *b*, *c*, to be confirmed by the L. G. B.

* * * * *

Power of L. G. B. to alter Boundaries of Counties and Boroughs, sec. 54. Supplemental Provisions as to alterations of Areas, secs. 59, 60; also—
P. H. Act, 1875. As to alteration of Areas, secs. 270–278, p. 76.

59. Supplemental provisions as to alteration of Areas.

60. In altering Boundaries, as far as practicable, the Boundary of one Local Gov. Area shall not intersect that of another Local Gov. Area.

* * * * *

PART IV.

FINANCE (Secs. 64-74).

* * * * *
65. County Council may acquire Lands for which purpose
secs. 176-178, P. H. Act, 1875, shall apply, they may also
acquire, hire, erect, furnish, etc., Halls, Buildings, and
Offices.

* * * * *
69. County Council may, with consent of L. G. B., Borrow
for Lands, Buildings, permanent Works, etc.

71. Accounts and Audit.

Accounts shall be made up to March 31st of each year,
in the form prescribed by the L. G. B., * * *
and shall be Audited in like manner as Accounts of an
Urban A. (*P. H. Act, 1875, secs. 247, 250, p. 69*).

74. Annual Estimate of Receipts and Expenditure.

At the commencement of each Financial Year, the County
Council shall prepare Estimates of Receipts and Expen-
diture during that Financial Year.

PART V.

SUPPLEMENTAL (Secs. 75-102).

* * * * *

85. Regulations for Bicycles, etc.

| | |
|---|--|
| Sec. 26 (5). Highways and Loco. (Amendt.) Act, 1878, and | } Repealed in so far as they give powers to any L. A. to make Byelaws for regu- lating the use of Bicycles, etc.; |
| Sec. 23 (1). Municipal Corporations Act, 1882, and | |
| All other provisions of any Public or Private Acts, | |

and—

Bicycles, Tricycles, Velocipedes, and other similar Machines are hereby declared to be Carriages within the meaning of the Highway Acts; and the following Regulations shall be observed by Persons riding such Carriages—

- (a) Between one hour after sunset and one hour before sunrise, every Person riding such Carriage shall carry attached thereto a Lamp so constructed and placed as to exhibit a light in the direction in which he is proceeding, and so lighted, and kept lighted, as to afford adequate means of signalling the approach or position of the Carriage;
- (b) audible and sufficient warning by sounding a Bell, Whistle, or otherwise, to be given when within a reasonable distance, and before overtaking any Cart, Carriage, Horse, etc., or any Foot Passenger on or proceeding along the Carriageway.

Penalty, 40s. for default.

* * * * *

87. Local Inquiries and Provisional Orders.

Secs. 293-298, P. H. Act, 1875, shall apply to any Inquiry or P. O. under this Act. (*L. G. B. Inquiries*, p. 81.)

* * * * *

The costs of any Local Inquiry, including the salary

(not exceeding 3 guineas a day) of any Inspector or Officer of the L. G. B., shall be paid in such proportion as the Board may direct. Sec. 87.
Costs of
Inquiry.

* * * * *

97. Saving as to Main Roads.

Nothing in this Act as to Main Roads shall alter the liability of any Person,^a not being a Highway A.,^a to maintain and repair any Road or part of a Road.

* * * * *

100. Definitions.

| Expression. | Definition. |
|---|---|
| (1) "County" * | Does not include a County of a City or County of a Town. |
| (2) "Borough" * | Any Place subject to the Municipal Corporation Act, 1882. * |
| (3) "District Council" } "County District" } * | Respectively, any District C. and their District, established under any future Act, and until such District C. is established, mean respectively— (a) as regards the provisions relating to Highways and Main Roads, the Highway A. (5), and the Highway Area (4); and (b) save as aforesaid, an Urban or Rural A. (6), and the District of such A. |
| (4) "Highway Area" . . . | (a) Urban District; (b) Highway District; (c) Highway Parish not included within any Highway or Urban District. |
| (5) "Highway Authority" . | (a) Urban A. ; (b) Highway Bd. or A. having powers of Highway Bd. ; (c) Highway Surveyor or other officers performing similar duties. |
| (6) "Urban Authority" } "Rural Authority" } . | <i>Until</i> the establishment of District Councils (3), as defined by the P. H. Act, 1875 (<i>p.</i> 10); <i>After</i> their establishment, the District C. of an Urban County District and Rural County District respectively. |
| (7) "Person" * | Includes any Body of Persons, whether corporate or unincorporate. |
| * * * | * * * * * |

^a Definition, sec. 100.

* For names of County Districts and District Councils, see Local Gov. Act, 1894, sec. 21, p. 400.

| Expression. | Definition. |
|-----------------------|---|
| (8) "Main Road" . . . | When used in relation to the District of any Highway or Road A., means so much of the Main Road as is situate within such District. |

PART VI.

TRANSITORY PROVISIONS (Secs. 103-126).

LOCAL GOVERNMENT ACT, 1894.

(56 & 57 VICT., CAP. 73.)

ARRANGEMENT OF SECTIONS.

PART I.

SECTION

1-4. Constitution of Parish Meetings and Parish Councils.

POWERS AND DUTIES OF PARISH COUNCILS AND PARISH MEETINGS (Secs. 5-19).

5. Parish C. to appoint Overseers.
6. Transfer of powers of Vestry and other Authorities to Parish C.
7. " adopting Acts to Parish Meeting.
8. Additional powers of Parish C.
9. Powers for acquisition of Land by Parish C.
10. Power of Parish C. to hire Land for Allotments.
11. Restriction on Expenditure by Parish C.
12. Borrowing by Parish C.
13. Stopping up or Diverting Roads, and repair of Footpaths.
14. Transfer of Public Property and Charities to Parish C.
15. Delegated powers of Parish C.
16. Complaint by Parish C. of default of District C.
17. Parish Officers and Parish Documents.
18. Division of Parish into Wards.
19. Provisions as to small Parishes.

PART II.

GUARDIANS AND DISTRICT COUNCILS (Secs. 20-35).

20. Election and Qualification of Guardians.
21. Names of County Districts and District Councils.
22. Chairman of District C. to be a County Justice.

SECTION

- 23. Election, etc., of Urban District C.
- 24. " Rural "
- 25. Powers of District C. with respect to Sanitary and Highway matters.
- 26. " " as to Rights of Way, etc.
- 27. Transfer of certain powers of Justices to District C.
- 28. Expenses of Urban District C.
- 29. " Rural "
- 30. Guardians in London and County Boroughs.
- 31. London.
- 32. Provision as to transfer of Justices' powers to apply to County Boroughs.
- 33. L. G. B. may apply certain provisions to Urban Districts and London.
- 34. Overseers.
- 35. Application of Part II. to London and County Boroughs.

PART III.

AREAS AND BOUNDARIES (Secs. 36-42).

PART IV.

PARISH MEETINGS AND ELECTIONS (Secs. 43-50).

PARISH AND DISTRICT COUNCILS (Secs. 51-59).

MISCELLANEOUS (Secs. 60-77).

TRANSITORY PROVISIONS (Secs. 78-89).

SCHEDULES.

SCHEDULE I.—Rules as to Parish Meetings, Parish Councils, and Committees.

„ II.—Enactments Repealed.

LOCAL GOVERNMENT ACT, 1894.

(56 & 57 VICT., CAP. 73.)

PART I.

PARISH MEETINGS AND PARISH COUNCILS *

(Secs. 1-19).

CONSTITUTION OF PARISH MEETINGS AND PARISH COUNCILS (Secs. 1-4).*

1. Constitution of Parish Meetings and Parish Councils.*

(1) For every RURAL Parish (*def. sub-sec. 2*) there shall be—

(a) A Parish Meeting, and

(b) A Parish Council where the population ^a is or exceeds 300,

Provided that an Order of the C. C., in pursuance of Part III.,

| | |
|---|---|
| (c) <i>shall</i> (if the Parish Meeting so resolve), where the population is or exceeds 100, | } provide for establishing a Parish Council. |
| (d) <i>may</i> (with the consent of the Parish Meeting), where the population is less than 100, | |

(e) *may* (with the consent of the Parish Meeting) provide for grouping Parishes under a common Parish Council, but each Parish so grouped to have a separate Parish Meeting.

(2) For the purposes of this Act, every Parish in a RURAL District shall be a Rural Parish.

a Def. of
"Rural
Parish."

* As to District Councils, see secs. 20-35.

^a Def., sec. 75.

Sec. 1.
Special
Parishes.

(3) Where a Parish is at the passing of this Act situate partly within and partly without a RURAL District, such parts shall as from the appointed day (*sec.* 84), but subject to any alteration of area made under this or any other Act, be separate Parishes as if constituted under the Divided Parishes and Poor Law Amendt. Act, 1876, and amendments thereto.

Powers and duties of Parish C., and Parish Meeting, *secs.* 5–19. Division of Parish into Wards, *sec.* 18. Provision as to small Parishes, *sec.* 19. Powers of C. C. with respect to Areas and Boundaries, *sec.* 36. Parishes having parts with defined Boundaries, *sec.* 37. Grouping Parishes and dissolving groups, *sec.* 38. Provision for increase and decrease of population, *sec.* 39. Public Notices by Parish C. and of Parish Meeting, *sec.* 51. Effect on Parish C. of constitution of U. District, *sec.* 54. Name, and power to change Name, *sec.* 55. Power to appoint Committees, *sec.* 56. Joint Committees, *sec.* 57. Restriction on place of Meeting, *sec.* 61. First Elections to Parish C., *sec.* 78. C. C. may remove difficulties as to first Meeting on Election, *sec.* 80. Date of 1st Election, *sec.* 84.

2. Parish Meetings (*see also* 1st Schedule, p. 412).

See References to *sec.* 1.

3. Qualification and Number of Councillors of Parish C., term of Office, Election, Annual Meeting, &c. (*see also* 1st Schedule, p. 412).

See References to *sec.* 1.

4. Use of Schoolroom in RURAL Parishes for Parish Meetings, Council Meetings, L. G. B. Inquiries, etc.

Restriction on place of Meeting, *sec.* 61.

POWERS AND DUTIES OF PARISH COUNCILS AND PARISH MEETINGS (*Secs.* 5–19).

5. Parish C.^a to appoint Overseers.

Transfer of certain powers of Overseers to Parish C., *sec.* 6.

6. Transfer of Certain Powers of Vestry and other Authorities to Parish C.

(1) These shall be transferred to the Parish C.^a

*

*

*

*

*

*

^a Def., *sec.* 1.

(c) the powers, etc., of the Overseers, or of the Churchwardens and Sec. 6. Overseers with respect to—

- | | | | | | |
|--------|---|---|--|-----------|---|
| * | * | * | * | * | * |
| (ii.) | * | | Fire Engine, Fire Escape, or matters | Fire | |
| | | | relating thereto; | Engines, | |
| (iii.) | | | the management of Parish Property (not being | etc. | |
| | | | property relating to affairs of the Church, or held | Parish | |
| | | | for an Ecclesiastical Charity), Village Greens, or | Property. | |
| | | | Allotments, whether for Recreation Grounds, Gardens, | | |
| | | | or otherwise for the benefit of the inhabitants. | | |
| * | * | * | * | * | * |

(2) A Parish C. shall have the same power of making Unhealthy any Complaint or Representation as to Unhealthy Dwellings Dwellings, (sec. 31, p. 333) or Obstructive Buildings (sec. 38, p. 338) as etc. inhabitant Householders have under the "Housing of the Working Classes Act, 1890."

(3-4) *Confers powers on the Parish C. with respect to* Allot-
Allotments. ments.

Transfer of Public Property and Charities to Parish C., sec. 14. Supplemental provisions as to transfer of powers, sec. 52. Provision as to transfer of property, debts, etc., from one A. to another, sec. 67. Summary proceedings for determining questions arising out of transfer, sec. 70. Saving for existing Officers, sec. 81.

7. Transfer of Power of adopting Acts to Parish Meeting.

(1) From the appointed day (sec. 84) the Parish Meeting^a shall, exclusively, have the power of adopting any of the following Acts and any amendments thereto, viz., the—

- (a) Lighting and Watching Act, 1833 (p. 245);
- (b) Baths and Washhouses Acts, 1846 to 1882;
- (c) Burial Acts, 1852 to 1885;
- (d) Public Improvements Act, 1860;
- (e) Public Libraries Act, 1892.

Sub-secs. (2-8) provide as follows:—

- (2-4) As to adoption. (5) For the transfer of powers, etc., of existing Authorities to the Parish C.,^a where the area under their control is co-extensive with the Parish. (6) Saving for Rates. (7) That on the adoption of any Act, the Parish C. shall be the Authority for the execution of the Act. (8) As to adoption of Burial Acts, 1852 to 1885.

As to Borrowing for purposes of Adoptive Acts, sec. 12 (b and 3). Supple-

^a Def., sec. 1.

Sec. 7. mental provisions as to Adoptive Acts, sec. 53. Powers of Authorities under Adoptive Acts may be transferred to U. District C., sec. 62. Saving for existing Officers, sec. 81.

8. Additional Powers of Parish C.

(1) A Parish C.^a shall have the following additional powers, namely, power—

Buildings. (a) to provide or acquire Buildings for Public Offices and for Meetings, and for any purposes connected with Parish business, or with the powers or duties of the Parish C. or Parish Meeting^a;

Land. (b) to provide or acquire Land for such Buildings, and for a Recreation Ground, and for Public Walks;

Commons. (c) to apply to the Board of Agriculture under sec. 9, Commons Act, 1876;

(Power to let, sell, or exchange Lands, sub-sec. (2). Powers for acquisition of Land, sec. 9. Power to Borrow for Land or Buildings, sec. 12).

Recreation Grounds, etc. (d) to exercise with respect to any Recreation Ground, Village Green, Open Space, or Public Walk under their control, or to the expense of which they have contributed, the powers of an U. A., under sec. 164, P. H. A., 1875 (*p.* 52), or sec. 44, P. H. A. Amendt. Act, 1890 (*p.* 118), and secs. 183–186, P. H. A., 1875 (*p.* 57), as to the making of Byelaws, shall apply accordingly;

Water Supply. (e) to utilize any Well, Spring, or Stream within their Parish, and provide facilities for obtaining Water therefrom, but so as not to interfere with the rights of any Corporation or Person (*see also sub-sec. (3)*);

(P. H. A., 1875. General powers for supplying District with Water, sec. 51, and *ref. thereto*, *p.* 180).

Ponds, etc. Nuisances. (f) to deal with any Pond, Pool, Open Ditch, Drain, or place containing, or used for the collection of, any Drainage, Filth, Stagnant Water, or matter likely to be prejudicial to health, by draining, cleansing, covering it, or otherwise preventing it from being prejudicial to health, but so as not to interfere with any private right, or the Sewage or Drainage Works of any L. A.;

(P. H. Act, 1875. Nuisances, sec. 91, *p.* 31).

Right of Way. (g) to acquire by agreement any Right of Way, whether within their Parish or an adjoining parish, the acquisition of which is beneficial to the inhabitants;

(Stopping or Diverting existing Rights of Way, sec. 13).

- (h) to accept and hold any gifts of property, real or personal, for the benefit of the inhabitants ; Sec. 8.
Gifts of Property.
- (i) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any Parish Property, not being property relating to affairs of the Church or held for an Ecclesiastical Charity ; and
- (k) to contribute, or to agree or combine with any other Parish C. to do or contribute, towards the expense of doing any of the things above mentioned.

(2) *Provides that the Parish C. may let, and (with the consent of the Parish Meeting) sell or exchange Lands or Buildings.* Lands and Buildings.

(3) Nothing in this Section (*sub-sec. (1 e)*) shall derogate from any obligation of a District C.^b with respect to the Supply of Water, or the execution of Sanitary Works. Water Supply.

(P. H. Act, 1875. Proceedings on default of L. A. to provide their District with a supply of Water, or with sufficient Sewers, or to maintain existing Sewers, sec. 299, p. 82.

Housing of the Working Classes Act, 1885. Duty of L. A. to enforce the Law, sec. 7, p. 313).

(4) Notice of any application to the Board of Agriculture in relation to a Common shall be served upon the Council of every Parish in which any part of the Common to which the application relates is situate. Commons.

(Restrictions on Expenditure, sec. 11. Borrowing powers, sec. 12).

9. Powers for Acquisition of Land by Parish C.^a

Power to acquire, or to let, sell or exchange, Land, sec. 8.

10. Power of Parish C.^a to hire Land for Allotments.

11. Restrictions on Expenditure by Parish C.

A Parish C.^a shall not incur expenses or liabilities which will involve—

- (a) a Loan, or a Rate exceeding 3*d.* in the £, without the consent of a Parish Meeting ;
- (b) a Loan, without the approval of the C. C.

The sum raised in any local financial year by a Parish C. for their Expenses (other than Expenses under the adoptive

^a Definition, sec. 1.

^b Def., sec. 21.

- Sec. 11. Acts) shall not exceed a sum equal to a 6*l.* rate on the ratable value of the Parish at the commencement of the year, and for the purpose of this enactment the expression, "Expenses," includes any annual charge, whether of principal or interest, in respect of any Loan.

Def. of
"Ex-
penses."

* * * * *

Limit of Rate in small Parishes, sec. 19 (9). Audit of Accounts, sec. 58.
Provisions as to Highways, sec. 82.

12. Borrowing Powers of Parish C.

(1) A Parish C.^a may, with the consent of the C. C. and the L. G. B., borrow for—

- | | |
|-------------------|--|
| Land or Building. | (a) purchasing Land, or building Buildings, which they are authorized to purchase or build (<i>sec.</i> 8); |
| Adoptive Acts. | (b) any purpose for which they are authorized to borrow under the Adoptive Acts (<i>sec.</i> 7); |
| Permanent Works. | (c) any permanent work or other thing which they are authorized to execute or to do, and the cost of which ought, in the opinion of the C. C. and the L. G. B., to be spread over a term of years; |

in like manner as a L. A. under Secs. 233, 234, and 236 to 239, P. H. Act, 1875 (*p.* 67), except that—

- (d) the money shall be borrowed on the security of the Poor Rate, and of the whole, or part, of the revenues of the Parish C. ;
- (e) as respects the limit of the sum to be borrowed, one-half the assessable value shall be substituted for the assessable value for 2 years.

Advances by C. C. (2) The C. C. may lend money to a Parish C., and may, if necessary, without the sanction of the L. G. B., and irrespectively of any limit of borrowing, raise the money by Loan * * *

Adoptive Acts. (3) A Parish C. shall not borrow for the purposes of the Adoptive Acts (*sec.* 7) otherwise than in accordance with this Act * *

13. Stopping up and Diverting Roads and repair of Footpaths.

(1) The consent of the Parish C.^a shall be required—

- | | |
|--------------------------------|---|
| Unneces- sary High- way. | (a) for a declaration that a Highway is Unnecessary for public use and not repairable at the public expense (<i>Highways and Locos. (Amendt.) Act</i> , 1878, ' <i>sec.</i> 24, <i>p.</i> 482) ; |
|--------------------------------|---|

and also of the District C.^b

^a Def., sec. 1.

^b Def., sec. 21.

- (b) for the Stopping (in whole or in part) or Diversion of Sec. 13.
 a public Right of Way (*Highway Act*, 1835, secs. 84-93, p. 452); Diversion,
etc., of
Highway.

and the Parish C. shall give public notice of a Resolution to give such consent, such Resolution shall not operate however—

- (c) unless it is confirmed by the Parish C. at a meeting held not less than two months after the public notice is given; nor
 (d) if a Parish Meeting held before the confirmation resolve that the consent ought not to be given.

(2) A Parish C. may (subject to the restrictions on Repair of
Footpaths. expenditure, sec. 11) undertake the repair and maintenance of all or any of the Public Footpaths within their Parish, not being Footpaths at the side of a Public Road, but this power shall not, nor shall the exercise thereof, relieve any other Authority or Person from any liability with respect to such repair or maintenance.

Power to acquire Right of Way, sec. 8g. Application of part of sec. 13 to small Parishes, sec. 19. District C. to protect Rights of Way, etc., sec. 26. Failure of District C. to proceed on representation by Parish C. that Right of Way has been stopped, sec. 26 (4).

Highway Act, 1835. Stopping up and Diverting Highways, secs. 84-93, and references thereto (p. 452).

Highway Act, 1862. Widening, Diverting, etc., Highways, sec. 44 (p. 466).

Highway Act, 1864. Discontinuance of Unnecessary Highways, sec. 21 (p. 470).

Highways and Loco. (Amendt.) Act, 1878. Discontinuance of maintenance of Unnecessary Highways, sec. 24, p. 482.

14. Transfer of Public Property and Charities to Parish C.^a

Transfer of certain powers of Vestry and other Authorities to Parish C., sec. 6. Supplemental Provisions as to transfer of powers, sec. 52. Provisions as to transfer of property, debts, etc., from one A. to another, sec. 67. Summary proceedings for determining questions arising out of transfer, sec. 70. Saving for Existing Officers, sec. 81.

15. **RURAL** District C.^b may delegate to a Parish C.^a any power which may be delegated to a Parochial Committee under the P. H. Acts.

Power to appoint Committees, sec. 56. Joint Committees of Parish and District C., sec. 57. Proceedings of Committees, Sch. I., p. 412.

16. Complaint by Parish C. of default of District C.

(1) Where a Parish C.^a resolve that a **RURAL** District C.^b ought to have provided the Parish with—

^a Def., sec. 1.

^b Def., sec. 21.

- Sec. 16. (a) sufficient Sewers, or maintained existing Sewers (*Maintenance and making of Sewers, P. H. Act, 1875, p. 14*);
 Sewers. (b) a supply of Water in cases where danger arises to the health of
 Water the inhabitants from the insufficiency or unwholesomeness of
 Supply. the existing Supply, and a proper supply can be got at a
 reasonable cost (*General powers for supplying District with Water, P. H. Act, 1875, sec. 51, and ref. thereto, p. 180*);

or that they have failed to—

- P. H. Acts. (c) enforce any provisions of the P. H. Acts which it is their duty
 to enforce (*Duty of L. A. to enforce the Law, Housing of the Working Classes Act, sec. 7, p. 313*);
 Highways. (d) maintain and repair any Highway in a good and substantial
 manner (*Highway out of Repair, Highway Act, 1835, sec. 94, p. 455*);

the Parish C. may complain to the C. C., who, if satisfied after due inquiry that the District C. have so failed, may—

- (e) resolve that the duties and powers of the District C., for the purpose of the matter complained of, shall be transferred to the C. C.; or
 (f) make an Order under sec. 299, P. H. Act, 1875 (*p. 82*), and appoint a Person to perform the duty mentioned in the Order, when secs. 299–302, P. H. Act, 1875, shall apply with the substitution of the C. C. for the L. G. B.

Sewerage
 or Water
 Supply of
 Contribu-
 tory Place.

(2) Where a RURAL District C. have determined to adopt plans for the Sewerage or Water Supply of any Contributory Place (*def. sec. 229, p. 66*), they shall give notice thereof to the Parish C. of any Parish for which the works are to be provided before any Contract is entered into by them for the execution of the works.

Application of sec. 16 to small Parishes, sec. 19.
 P. H. Act, 1875. Defaulting Local Authority, sec. 299, p. 82.

17. Parish Officers and Parish Documents.

Clerk and
 Treasurer.

Sub-secs. (1–6) provide for the appointment of Clerk and Treasurer to the Parish C.^a

Parlia-
 mentary
 deposits.

(7) All Documents required by statute or by Standing Orders of Parliament to be deposited with the Parish Clerk of a RURAL Parish shall, after the Election of a Parish C.,

^a Definition, sec. 100.

be deposited with the Clerk, or, if there is none, with the Sec. 17. Chairman, of the Parish C.

* * * * *

Saving for existing Officers, sec. 81.

18. C. C., on application of Parish C.,^a may divide Parish into Wards.

Areas and Boundaries, secs. 36-39.

19. Provisions as to small Parishes.

* * * * *

(8) The provisions of this Act with respect to—

(a) the Stopping or Diversion of a public Right of Way, or the declaring of a Highway to be Unnecessary, and not repairable at the public expense (*sec. 13*); ^{Right of Way, etc.}

(b) complaint to C. C. of default by District C. (*sec. 16*);

shall apply, with the substitution of the Parish Meeting^a for the Parish C.^a

(9) A Rate levied for defraying the expenses of the Parish Meeting (when added to expenses under any of the adoptive Acts) shall not exceed 6*d.* in the £ in any local financial year. ^{Limit of Rate.}

(10) On the application of the Parish Meeting, the C. C. may confer on that Meeting any of the powers conferred on a Parish C. by this Act. ^{Additional powers.}

* * * * *

Constitution of Parish C. and Parish Meeting, sec. 1. Restrictions on Expenditure by Parish C., sec. 11. Audit of Accounts, sec. 58.

^a Def., sec. 1.

PART II.

GUARDIANS AND DISTRICT COUNCILS (Secs. 20-35).*

20. Election and Qualification of Guardians.

21. Names of County Districts and District Councils.*

As from the appointed day (*sec.* 84)—

- (1) URBAN Authorities^a shall be called Urban District Councils, and their Districts, Urban Districts; but nothing in this section shall alter the style or title of the Corporation or Council of a Borough.
- (2) For every RURAL District^b there shall be a Rural District Council whose District shall be called a Rural District.

(3) In all Acts of Parliament, unless the context otherwise requires, the expression—

“District Council” shall include the Council of every U. District (whether a Borough or not) and of every R. District.

“County District” shall include every U. and R. District, whether a Borough or not.

As to powers and duties of District Councils, secs. 22-29.

22. Chairman of District C.^c to be a County Justice.

23. Election, etc., of URBAN District C.^c (not being Boroughs).

Power to appoint Committees, *sec.* 56. Joint Committees, *sec.* 57. Supplemental provisions as to Meetings of District C., *sec.* 59. C. C. may remove difficulties as to first Meeting or Election, *sec.* 80. Date of first Election, *sec.* 84. First Elections of District C., *sec.* 79.

* As to Parish Meetings and Parish Councils, see secs. 1-19.

^a Def., P. H. Act, 1875, *sec.* 6, p. 10.

^b Def., P. H. Act, 1875, *sec.* 9, p. 11.

^c Def., *sec.* 21.

24. Election, etc., of RURAL District C.^c

See References to previous section.

25. Powers of District C.^c with respect to Sanitary and Highway matters.

(1) As from the appointed day (*sec.* 84) there shall be transferred to the RURAL District C.^c all the powers, duties and liabilities of the R. A.^b and of any Highway A. in the District, and Highway Bds.* shall cease to exist, and the R. District C. shall also have as respects Highways all the powers, etc., of an U. A. under Secs. 144-148, P. H. Act, 1875 (*p.* 41). Sanitary and Highway matters.

Provided that the C. C. may by Order postpone within their County (or any part thereof) the operation of this Section, so far as it relates to Highways, for a term not exceeding 3 years or such further period as the L. G. B. may on the application of the C. C. allow. Postponement.

As to part of Parish forming part of U. District, see sub-sec. (4). Saving for existing Officers, *sec.* 81. Provisions as to Highways, *sec.* 82. Highway Expenses of Rural District C., *sec.* 29.

(2) Where a Highway repairable *ratione tenuræ*† appears on the report of a competent Surveyor not to be in proper repair, and the Person liable fails to place the same in proper repair when requested by the District C.^c so to do, the District C. may do the work and recover the necessary expense of so doing. Highway repairable *ratione tenuræ*.

(3) Where a Highway A. receives any contribution from the C. C. under *Sec.* 11 (10) Local Govt. Act, 1888 (*p.* 374), such contribution may be made, subject to any such conditions for the proper maintenance and repair of such Highways, as may be agreed on between the C. C. and the Highway A. Highway Repairs.

(4) Where the R. District C.^c become the Highway A. (*sub-sec.* (1)), any excluded part of a Parish under *Sec.* 216, Area of R. District C.

^b Def., P. H. Act, 1875, *sec.* 5, *p.* 10.

^c Def., *sec.* 21.

* As to Highway Bds., see Highway Act, 1862, *sec.* 17, *p.* 463, and references thereto.

† As to Highways repairable *ratione tenuræ*, see Highway Act, 1862, *secs.* 34, 35, *p.* 465, and references thereto.

Sec. 25. P. H. Act, 1875 (*p.* 63), which is situated in their District, shall cease to be part of any U. District, for the purpose of Highways.

Additional powers of R. District C. (5-6) The R. District C.^c shall also have such powers, etc., of an U. A. under the P. H. Acts or any other Act as the L. G. B. by General Order direct, and this power shall be in addition to their powers under Sec. 276, P. H. Act, 1875 (*p.* 77), or any enactment applying that Section. Every Order made by the L. G. B., under this Section shall be forthwith laid before Parliament.

Power of L. G. B. (7) The powers conferred on the L. G. B. by Sec. 276, P. A. Act, 1875 (*p.* 77), or by any enactment applying that Section, may be exercised on the application of a C. C., or with respect to any Parish (or part thereof) on the application of the Parish C.

26. Duties and Powers of District C. as to Rights of Way, Rights of Common and Roadside Wastes.

(1) Every District C.^c shall—

- Rights of Way, etc. (a) protect all public Rights of Way, and prevent, as far as possible, the Stopping or Obstruction of the same, whether within their District or in an adjoining District in the County or Counties in which the District is situate, where the Stopping or Obstruction would, in their opinion, be prejudicial to the interests of their District (*see also sub-sec. (4)*);
- Roadside Wastes. (b) prevent any unlawful Encroachment on any Roadside Waste within their District (*see also sub-sec. (4)*).

Consent required before Stopping, etc., Right of Way, sec. 13.

Highway Act, 1835. Encroachments on Highways, sec. 69, and References and Notes thereto, *p.* 447. Stopping up and Diverting Highways, secs. 84-93, *p.* 452.

Commons. (2) *Provides that the District C.^c may, with the consent of the C. C., aid Persons in maintaining Rights of Common, etc.*

Legal Proceedings. (3) A District C.^c may, for the purpose of carrying into effect this Section, institute or defend any Legal Proceedings, and generally take such steps as they deem expedient.

Representation by District C. (4) Where a Parish C.^b have represented to the District C.^c that—

^c Def., sec. 21.

^b Def., sec. 1.

- (c) any public Right of Way has been unlawfully Stopped or Sec. 26.
Obstructed (*sub-sec. 1 a*);
- (d) an unlawful Encroachment has taken place on any Roadside
Waste (*sub-sec. 1 b*);

the District C. shall, unless satisfied that the allegations are incorrect, take proper proceedings accordingly, failing which, the Parish C. may petition the C. C., and if that C. so resolve, the powers and duties of the District C. under this Section shall be transferred to the C. C.

(5) Any proceedings or steps taken by a District C.^c or C. C. in relation to any alleged Right of Way shall not be deemed to be unauthorized by reason only of such Right of Way not being found to exist.

(6) Nothing in this Section shall affect the powers of the C. C. in relation to roadside Wastes. (*Local Govt. Act, 1888, sec. 11, sub-sec. (1 b), p. 372.*)

(7) Nothing in this Section shall prejudice any powers exercisable by an U. A. at the passing of this Act, and the Council of every County Borough^a shall have the additional powers conferred on a District C. by this Section.

27. Transfer of certain powers of Justices to District C.

From the appointed day (sec. 84) the—

- (a) Licensing of Gang Masters;
- (b) Grant of Pawnbrokers' Certificates;
- (c) Licensing of Dealers in Game;
- (d) Grant of Licenses for Passage Brokers and Emigrant Runners;
- (e) Abolition of Fairs, and alteration of days for holding Fairs;
- (f) Execution as the L. A. of the Acts relating to Petroleum and Infant Life Protection;
- (g) Licensing of Knackers' Yards;

when arising within a County District, shall be transferred to the District C.^c

* * * * *

Application of this Section to County Boroughs, sec. 32. Provision as to transfer of property from one A. to another, sec. 67. Summary proceedings for determining questions arising out of transfer, sec. 70.

28. Expenses of URBAN District C.

^c Def., sec. 21.

^a Def., Local Govt. Act, 1888, sec. 31, p. 378.

Sec. 28. The expenses incurred by an U. District C.^c in the execution of this Act, shall, subject to the provisions of this Act, be defrayed—

- | | |
|-----------|---|
| Boroughs. | (a) in a Borough out of the Borough Fund or Rate; |
| Not | (b) in any other case out of the District Fund and General |
| Boroughs. | District Rate or other Fund applicable towards defraying |
| | the expenses of the execution of the P. H. Act, 1875 (<i>secs.</i> |
| | 209–212, <i>p.</i> 62). |

Audit of Accounts, sec. 58.

29. Expenses of RURAL District C.

The expenses incurred by a R. District C.^c shall, subject to the provisions of this Act, be defrayed in the same manner as expenses of a R. A. under the P. H. Act, 1875 (*p.* 65).

Provided as follows :—

- | | |
|-----------|---|
| Highway | (a) Highway Expenses shall be defrayed as General Expenses ; |
| Expenses. | (b) When the L. G. B. determine any Expenses under this Act to |
| Special | be Special Expenses, and a separate charge on any Contribu- |
| Expenses. | tory Place (<i>def.</i> <i>p.</i> 66), and such Expenses would, if not |
| | separately chargeable on a Contributory Place, be raised as |
| | General Expenses, they may further direct that such |
| | Special Expenses shall be raised in like manner as General |
| | Expenses, and not by such separate rate for Special Ex- |
| | penses, as is mentioned in Sec. 230, P. H. Act, 1875 (<i>p.</i> 66); |
| Highway | (c) A District C. shall have the same power of charging Highway |
| Expenses. | Expenses under exceptional circumstances on a Contributory |
| | Place as a Highway Bd., under Sec. 7, Highways and Loco. |
| | (Amendt.) Act, 1878 (<i>p.</i> 478); |
| Highway | (d) Where Highway Expenses would, if this Act had not passed, |
| Expenses. | have been in whole or in part defrayed in any Parish or |
| | other Area out of any Property or Funds other than Rates, |
| | the District C. shall make such provision as will give to |
| | that Parish or Area the benefit of such Property or Funds |
| | by way of reduction of the Rates. |

Audit of Accounts, sec. 58. Provision as to Highways, sec. 82.

30. Provisions of this part of this Act, respecting Guardians, to apply to London and County Boroughs.^a

31. As to London.

^c Def., sec. 21.

^a Def., Local Govt. Act, 1888, sec. 31, *p.* 378.

32. Provisions as to transfer of Justices' powers (*sec.* 27) to apply to County Boroughs.^a

33. Power of L. G. B. to apply certain provisions of Act to URBAN Districts and London.

34. Supplemental provisions as to control of Overseers in URBAN Districts.

35. Save as specially provided, this part of this Act shall not apply to London or County Boroughs.^a

^a Def., Local Govt. Act, 1888, sec. 31, p. 378.

PART III.

AREAS AND BOUNDARIES * (Secs. 36-42).

36. Duties and powers of C. C. with respect to Areas and Boundaries.

37. Provision as to Parishes having parts with defined Boundaries.

38. Orders for grouping Parishes and dissolving groups.

39. Provisions for increase and decrease of Population.

40. Certain Orders of C. C. not to require confirmation.

41. Time for petitioning against an Order under Sec. 57 (3), Local Govt. Act, 1888 (*p.* 384), to be 6 weeks instead of 3 months.

42. Validity of C. C. Orders.

* See also Local Govt. Act, 1888, secs. 50-63 as to Boundaries (*p.* 383).

PART IV.

SUPPLEMENTAL.

PARISH MEETINGS AND ELECTIONS (Secs. 43-50).

PARISH AND DISTRICT COUNCILS (Secs. 51-59).

51. Public Notices by Parish C.^a and of Parish Meeting.^a
52. Supplemental provisions as to transfer of powers.
53. Supplemental provisions as to adoptive Acts (*sec. 7*).
54. Effect on Parish C.^a of constitution of Urban District.
55. Name of District or Parish, and power to change Name.
56. Parish^a or District C.^b may appoint Committees (*see also 1st Schedule, p. 412*).
57. Joint Committee of Parish^a or District C.^b
58. Audit of Accounts of District and Parish Cs. and inspection.
 - (1) Accounts of Parish^a and District Cs.,^b and of Parish Meetings^a for Parishes not having Parish Cs., and their Committees and Officers, shall be made up yearly to March 31st, or in the case of Accounts which are required to be Audited half-yearly (*sub-sec. 2*), to Sept. 30th and March 31st, and in such Form as the L. G. B. prescribe.
 - (2) The said Accounts shall (except in the case of Accounts audited by the Auditors of a Borough) be audited

^a Def., sec. 1.

^b Def., sec. 21.

Sec. 58. as Accounts of an U. A. and their officers (P. H. Act, 1875, *sec.* 247, *p.* 69), except that in the case of the Accounts of R. District Cs.,^b their Committees, and Officers, the Audit shall be half-yearly (*sub-sec.* 1).

(3) The L. G. B. may, with respect to any Audit to which this Section applies, make Rules modifying the enactments as to publication of Notice of the Audit and of the abstract of Accounts and the Auditor's Report.

Inspection
of Ac-
counts, etc. (4-5) District and Parish Cs., or Parish Meetings, shall allow Parochial Electors at all reasonable times, without payment, to inspect and take copies of and extracts from all Books, Accounts, and Documents belonging to them or under their control.

59. Supplemental provisions as to Meetings of District C.^b

Election, etc., of District C., *secs.* 23, 24. Restriction on place of Meeting, *sec.* 61.

MISCELLANEOUS (Secs. 60-77).

60. Supplemental provisions as to Guardians.

61. Parish Meeting,^a or Meeting of Parish ^a or District C.^b or Board of Guardians not to be held in premises licensed for the sale of intoxicating liquor.

62. Powers of Authorities under any of the adoptive Acts (*sec.* 7) may be transferred to URBAN District C.^b

63. Provision where the powers of a District C.^b are by Resolution transferred to a C. C. (*secs.* 16-26).

64. Power of C. C. to act through District C.^b

65. Saving for Harbour powers of Improvement Commrs.

66. Saving for Elementary Schools.

^a Def., *sec.* 1.

^b Def., *sec.* 21.

67. Provision as to transfer of property, debts, and liabilities from one A. to another.

68. Provision as to adjustment of property, and liabilities required for the purpose of this Act.

69. Power of C. C. to deal with matters arising out of alteration of Boundaries.

Areas and Boundaries, secs. 36-42.

Local Govt. Act, 1888. Boundaries, secs. 50-63, p. 383.

70. Summary Proceedings for determination of questions arising as to whether any power is or is not transferred by or under this Act.

71. Copy of every Order made by a C. C. or Joint Committee to be sent to the L. G. B., and if it alters any Area or Name, also to the Bd. of Agriculture.

72. Provision as to Local Inquiries.

73. Provision as to Sundays and Bank Holidays.

74. Provision as to Scilly Islands.

75. Definitions.

(1) The definition of "Parish" in Sec. 100, Local Govt. Act, 1888, shall not apply to this Act, but save as aforesaid, expressions used in this Act shall, unless the context otherwise requires, have the same meaning as in the said Act.

(2) Definitions (unless the context otherwise requires)—

| Expression. | Definition. |
|------------------------|---|
| "Population" . . . | Population according to Census of 1891. |
| * * * | * * * * |
| "County" . . . | includes a County Borough. |
| "County Council" . . . | includes the Council of a County Borough. |
| * * * | * * * * |

PART V.

TRANSITORY PROVISIONS.

78. First Elections to Parish Councils.^a

79. First Elections of Guardians and District Councils.^b

80. Power of C. C. to remove difficulties as to holding 1st Meeting or Election.

81. Existing Officers.

Surveyor
of High-
ways.

(1) Where the powers and duties of any A. (other than Justices) are transferred by this Act to any Parish^a or District C.,^b the Officers of that A. shall become the Officers of that C., and for the purpose of this Section the body appointing a Surveyor of Highways shall be deemed to be a Highway A. and any paid Surveyor to be an Officer of that body.

(2-3) As to Vestry Clerk and Asst. Overseer.

(4) Every such Officer shall hold Office by the same tenure and upon the same conditions as heretofore, and while performing the same duties shall receive not less salary or remuneration.

Divided
Parish or
District.

(5) Where a Parish or Rural District is divided by this Act, any Officer for the Parish or District so divided shall hold Office for each Parish or District formed by the division, and his salary shall be borne by the respective Parishes or Districts in proportion to their ratable value at the commencement of the local financial year next after the passing of this Act.

* * * * *

Compensa-
tion.

(7) Sec. 120, Local Govt. Act, 1888, which relates to

^a Def., sec. 1.

^b Def., sec. 21.

compensation to existing Officers, shall apply in the case Sec. 81.
of existing officers affected by this Act. * *

82. Provision as to Highways.

(1) Where before the appointed day (*sec.* 84) the Highway Expenses were charged on a particular Parish or other Area, and not on a District, the District C.^b may determine that the Highways shall be placed in proper repair to their satisfaction before the Expenses of repairing the same become a charge upon the District, failing which the District C. may place the Highways in proper repair and charge the Expense on the Parish or Area.

Any dispute as to such Expenses to be determined by the C. C.

(2) Where in pursuance of an Order of a C. C. (*sec.* 25) a Parish continues to maintain its own Highways after the appointed day, the Highway Expenses shall not be deemed to be Expenses of the Parish C.^a or Parish Meeting ^a within the meaning of this Act.

Restrictions on Expenditure by Parish C., *sec.* 11. Power of District C. with respect to Highways, *sec.* 25.

83. C. C. to bring Act into operation as soon as may be after the passing thereof.

84. Appointed Day.

(1) The first Elections under this Act shall be held on Nov. 8th, 1894, or such later date in that year as the L. G. B. may fix.

* * * * *

(4) Subject as in this Act mentioned, "The appointed day" shall—

* * * * *

(c) for the purpose of powers, etc., transferred to a Council of a Borough by this Act, be Nov. 1st, 1894.

* * * * *

Provided that where an Order of a C. C. postpones the operation of Sec. 25, with respect to Highways, the day on ^{Highways, postpone-}ment as to.

^b Def., *sec.* 21.

^a Def., *sec.* 1.

Sec. 84. which such postponement ceases shall be the appointed day, and the Order of postponement shall make provision for holding Elections of Highway Bds. during the interval.

Highway Act, 1862. Constitution of Highway Bd., secs. 9-11, p. 462.

85. Current Rates, etc.

86. Saving for existing Securities and discharge of Debts.

87. Saving for existing Byelaws.

88. Saving for pending Contracts, etc.

89. Repeal.

The Acts specified in Schedule II. are hereby repealed as from the appointed day, to the extent in the 3rd column mentioned, and so much of any Act, whether public, general, or local and personal, as is inconsistent with this Act is also hereby repealed. * * * * *

SCHEDULE I.

RULES AS TO PARISH MEETINGS, PARISH COUNCILS, AND COMMITTEES.

PART 1. Rules applicable to Parish Meetings.

„ 2. „ „ Parish Councils.

„ 3. General.

„ 4. Proceedings of Committees of Parish or District Councils.

SCHEDULE II.

ENACTMENTS REPEALED (see Sec. 89).

| Short Title. | Extent of Repeal. |
|--|--|
| * * * | * * * * * |
| Highway Act, 1835 (5 & 6 Will. 4, c. 50) . . . | In sec. 48, the words "with the consent in writing of the Justices of the Peace at a Special Sessions for the Highways," and the words "at, and for such price as the said Justices may deem fair and reasonable." |
| * * * | * * * * * |
| Public Health Act, 1875 (38 & 39 Vict. c. 55) . . | Sec. 8, from, "and the number" to end of section. Sec. 9, from, "Provided that (1) an <i>ex officio</i> Guardian" to "situated in an Urban District" (being the provisoes); and the words, "from Owners or Occupiers of property situated in the Rural District of a value sufficient to qualify them as elective Guardians for a Union;" and from, "Subject to the provisions of this Act," to end of section. Sec. 200, except so far as it applies to Boroughs; secs. 201, 204, and 248, except so far as it relates to Overseers, and sec. 312. So much of Schedule I. as relates to Committees, and Schedule II. |
| * * * | * * * * * |
| Public Health (Members and Officers) Act, 1885 (48 & 49 Vict. c. 53) . . | Secs. 3 and 4. |
| * * * | * * * * * |

HIGHWAYS, ETC.

| | PAGE |
|--|------|
| TRAMWAYS ACT, 1870 | 417 |
| HIGHWAY ACT, 1835 | 436 |
| Do. AMENDT., 1839 | 458 |
| Do. Do. 1841 | 459 |
| Do. Do. 1845 | 460 |
| HIGHWAY ACT, 1862 | 461 |
| Do. 1863 | 468 |
| Do. 1864 | 469 |
| HIGHWAY AND LOCO. (AMENDT.) ACT, 1878 ... | 476 |
| HIGHWAY RATE ASSESST. AND EXPENDT. ACT, 1882 | 486 |
| HIGHWAY ACT AMENDT. ACT, 1885 | 487 |
| HIGHWAYS AND BRIDGES ACT, 1891 | 488 |
| LOCOMOTIVES ACT, 1861 | 490 |
| Do. 1865 | 495 |
| HIGHWAY AND LOCO. (AMENDT.) ACT, 1878 ... | 498 |
| RAILWAY CLAUSES CONSOLIDATION ACT, 1845 | 502 |
| RAILWAY CLAUSES ACT, 1863 | 513 |

THE TRAMWAYS ACT, 1870.

(33 & 34 VICT., CAP. 78.)

3. Definitions.

| Expression. | Definition. |
|--|---|
| * * Local Authority Road | * * * * * Any Urban or Rural A. Any Carriageway being a Public Highway, and the Carriageway of any Bridge forming part of or leading to the same. |
| Road Authority | Any L. A. . . . Trustees . . . or other body, or persons in whom a Road is vested, or by whom it is maintained and repaired. |
| * * Special Act . . | * * * * * Any Act or Prov. O. authorizing the construction of a T., incorporating Parts II. and III. of this Act. |
| Promoters . . | Any person, persons, Corporation, Company, or L. A., authorized by Special Act to construct a T. |

PART I.

PROVISIONAL ORDER AUTHORIZING THE CON- STRUCTION OF TRAMWAY.

4. By whom Provisional Orders authorizing the Construction
of T. may be obtained.

- (a) By the L. A. (with consent of Road A. if distinct
from the L. A.) (*see Schedule A., Parts I. and II.,
p. 433*).
- (b) By any person, persons, Corporation or Company, with
the consent of the L. A., or (where the District is

Sec. 4.

or forms part of a Highway District under the provisions of "The Highway Acts") of the Road A.

* * * * *

NOTE.—This Section also provides for Resolution to be passed by L. A. prior to application for P. O.

5. Where T. will be within 2 or more Districts, Bd. of T. may in certain cases dispense with consent of L. or Road A.

6. As to Advertisements and Notices, also as to Plans and Documents to be deposited by Promoters at specified dates (*see Schedule B., Parts I., II., III., p. 433*).

7. Power of Bd. of T. to hold Inquiry and to determine Application and objections thereto.

8. Power of Bd. of T. to make P. O.

9. Regulations as to Construction of Tramways in Towns.

Every T. in a Town, authorized by P. O., shall be—

(a) Constructed and maintained as nearly as possible in the centre of the Road.

(b) So laid that no distance of 30 feet or over shall have a less space than 9 feet 6 in. between the outside of Footway and the nearest Tramway rail; provided that one third of the Owners or one third of the Occupiers of the Buildings abutting upon the part of the Road where a less space intervenes, object to the T. being so laid (*see Rule 4, p. 433*).

10. Nature of Traffic on T., also Tolls and Regulations to be specified in P. O.

11. Cost of Order to be paid by Promoters.

12. Promoters to deposit £4 % on Estimate in prescribed Bank.

13. P. O., when made, to be deposited for Public Inspection and advertised (*see Schedule B., Part IV., p. 434*).

14. P. O. to be confirmed by Parliament.

15. Incorporation of certain provisions of Lands Clauses Acts, 1845–1860, in P. O.

16. Power of Bd. of T. on application of Promoters, to revoke, amend, extend, or vary P. O.

17. Power of Bd. of T. to authorize Joint Work.

The Bd. of T. may, on the joint or separate application of 2 or more L. A.s, make a P. O. empowering them—

- (a) Jointly to construct the whole of a T.;
- (b) Separately to construct parts thereof;
- (c) Jointly or separately to construct the whole or parts thereof.

18. Powers of Promoters to cease if T. not commenced, completed, and opened within time prescribed in P. O., or if Works suspended (*Rule 21, also Prolongation of Time p. 435*).

19. L. A. may lease or take tolls.

20. Defrayment of Expenses where L. A. are the Promoters or Purchasers (*sec. 43*) of any T.

This Section provides for—

- (a) *The application of the local rate to defray the expenses of carrying into execution this Act;*
- (b) *The borrowing of moneys to such amount, and its repayment in such period (not exceeding 30 years) as the Bd. of T. may sanction;*
- (c) *The keeping of separate accounts of all expenses incurred and moneys received as rent or tolls—repayment of moneys borrowed;*
- (d) *The application of balances, if any.*

21. Power of Metro. Board of Works to create Stock.

PART II.

CONSTRUCTION OF TRAMWAYS.

22. Incorporation of Parts II. and III. of this Act with Provisional Order and Special Act.

23. Definition of Special Act (*see p. 417*).

24. Definition of Promoters (*see p. 417*).

25. Mode of formation of T.

Every T. shall be constructed and maintained—

- (a) On the gauge prescribed by the Special Act (*def. p. 417*); or
- (b) If none prescribed, then to a gauge of 4 ft. 8½ ins.;
- (c) In such manner that the top of the Rail shall be level with the surface of Road;

Official Inspection. and such T. shall not be opened until inspected and certified to be fit for public traffic (*as prescribed in Bd. of T. Rule 25, p. 434*).

26. Power to break up Streets, etc.

The Promoters, for the purpose of making, forming, laying down, and maintaining any T., may open and break up any road, subject to the following regulations, viz. :—

Regulations to be observed by Promoters.

- (a) Seven days' Notice to be given to the Road A., specifying the time of commencement and the portion of road to be opened or broken up.
- (b) Road not to be opened, broken up or altered in level except under the superintendence, and to the reasonable satisfaction of the Road A.
- (c) Pay all reasonable expenses of such superintendence.
- (d) Where the Road does not exceed $\frac{1}{4}$ mile in length, no greater length than 100 yards shall be opened,

etc., at any one time without the consent of the Sec. 26.
 L. A. Where exceeding $\frac{1}{4}$ mile in length, an interval of at least $\frac{1}{4}$ mile shall be left between any two places opened, etc. No such opening to exceed 100 yards in length.

Where any Work will affect:—

- (e) The Structural Works of any Bridge; or,
 (f) Any Railway or Tramway (or traffic thereon) crossing Alterations to Bridges, Railways, etc.
 on the level the carriageway of any Street on which the proposed T. is to be laid;

such Work shall be constructed and maintained under the superintendence (at the Promoters' cost), and to the reasonable satisfaction of the proprietors of such Bridge, Railway, or T., unless after 7 days' Notice of commencement of the Work such superintendence is withheld.

P. H. Act, 1875: Power of Surveyors of Highways, sec. 144, p. 41. Vesting of Streets in U. A., sec. 149, p. 43 (and sec. 32, *post*).

Electric Lighting Act, 1882, secs. 12, 13, p. 260.

Waterworks Clauses Act, 1847, p. 200, secs. 28-34, 52, } Power to break up Streets.

Gasworks Clauses Act, 1847, p. 224, secs. 6-12,

27. Completion of Work and re-instatement of Road.

Penalty £20 and £5 daily on the Promoters for failing—

- (a) With all convenient speed (not exceeding 4 weeks, Regulations to be observed by Promoters. except with the written consent of the Road A.) to complete the work for which the Road was broken . . . to fill in the ground, make good the surface, and to restore it (to the satisfaction of the Road A.) to as good a condition as previously, and also to clear away all surplus paving, metalling, material, or rubbish.
- (b) To fence, watch, and properly light (at night) the Road where opened, etc.
- (c) To bear or pay all reasonable expenses (so far as they are increased by such opening) of repaving the Road for 6 months after restoration.

See References to previous Section.

28. Repair of Part of Road where Tramway is laid.

The Promoters shall at their own expense maintain in

Sec. 28. good condition with such materials, and in such manner as the Road A. directs, and to their satisfaction—

(a) The part of the Road lying between the T. rails; and

(b) Where 2 Tramways are laid not exceeding 4 ft. apart, the portion of Road lying between the Tramways; and in every case a width of 18 inches on either side of the outer Rails.

Abandonment of T.

If the Promoters abandon, or take up, their T. (or part thereof), they shall—

(c) With all convenient speed (not exceeding 6 weeks, except with the written consent of the Road A.) fill in the ground, make good the surface, restore (to the satisfaction of such A.) such disturbed Road to its original condition, and also clear away surplus paving, metalling, material, or rubbish.

(d) Fence, watch, and properly light (at night) the Road where opened.

On failure to execute Works, R. A. may execute same.

On failing to comply with the above provisions, the Road A. may themselves, after 7 days' Notice, open and break up the Road, and do the necessary works of maintenance or restoration, the expense thereof to be repaid by the Promoters.

See References to sec. 27, *ante*.

29. Road A. and Promoters may contract for paving Roads on which T. is laid.

The Road A. and the Promoters may enter into, carry out, alter, renew or vary Contracts, Agreements, or Arrangements respecting—

(a) The paving and repairing of the whole or any portion of the Roadway on which the T. is laid.

(b) The proportion of the expense of such Work to be paid by either of them.

30. Provision as to Gas and Water Companies.

To prevent frequent interruption of the Traffic along their T., by repairs to Works in connection therewith, the Promoters may from time to time alter the position of any

Gas or Water Mains, or Pipes, or Telegraphic or other Tubes, Wires or Apparatus, subject to this Act and to the following restrictions, viz. :—

(1) The Promoters shall give 7 days' Notice, together with Plan and Section of proposed Works, to every proprietor of any Mains, Pipes, Tubes, Wires, or Apparatus situate in the Road in which such T. is to be laid down or altered (whether it is contemplated to disturb such Mains, etc., or not).

Regulations to be observed by Promoters.

If such Proprietors consider that the proposed T. would endanger or interfere with their Mains, Pipes, etc., they may require the Promoters to lower or otherwise alter the position of the said Mains, Pipes, etc., as may be considered necessary, any dispute as to such necessity to be settled as provided by Sec. 33.

The Promoters shall give 48 hours' Notice prior to making any such alterations (in order that such Proprietors may superintend the same), which shall be effected with as little detriment and inconvenience as possible to such Proprietors, or to the Inhabitants.

(2) The Promoters shall not, without the consent of such Proprietors—

Promoters not to interfere with Gas, Water, etc., Pipes, without consent of Owners.

(a) Remove or displace any of their Mains, Pipes, Valves, Syphons, Plugs, Tubes, Wires, Apparatus, or other Works ;

(b) Impede the passage of their Water or Gas, or of the Telegraphic or other Communication into, or through, such Mains, or Pipes, Wires, etc. ;

(c) Make any alterations in any other manner than such Proprietors shall approve until other equally satisfactory Mains, Pipes, Wires, etc., shall (at the Promoters' expense) have first been laid down ready for use, to the satisfaction of such Proprietors' Engineer (or in case of disagreement, of an Engineer appointed by the Bd. of T.)

(3) The Promoters shall not lay down any such Pipes contrary to the Regulations of any Act relating to such Water or Gas Co., or to Telegraphs.

Promoter to do nothing contrary to Acts.

(4) The Promoters shall—

Sec. 30.
Promoters
to make
good
Damage
and Com-
pensate.

(a) Make good all damage done by them to any such Proprietors' property.

(b) Fully compensate all parties for loss or damage sustained through interference with such property, or with the private Service Pipes of any person supplied with Water or Gas.

Interrup-
tion of
Flow in
Pipes.

(5) *Penalty £20 daily* on the Promoters for interrupting any Water or Gas supply in or through any main or main pipe.

Waterworks Clauses Act, 1847, p. 200, secs. 28-34, 52, { Power to break up Streets,
Gasworks Clauses Act, 1847, p. 224, secs. 6-12, lay or alter position of
Electric Lighting Act, 1882, p. 260, secs. 12, 13 } Gas and Water pipes,
Electric wires, etc.

31. For Protection of Sewers, etc.

Where any T. or Work connected therewith interferes with or affects—

(a) Any Sewer, Drain, Watercourse, Subway, Defence, or Work ; or,

(b) The Sewerage or Drainage of any District ;
such Work shall not be commenced until—

Notice of
interfer-
ence to be
given.

(c) The Promoters have given 14 days' Written Notice to the proper A. (by leaving the same at their principal office) with all necessary particulars relating thereto.

Approval
of A. to be
obtained.

(d) Such A. has signified its approval (unless they fail to approve, disapprove, or otherwise direct, within 14 days from the service of such Notice, etc.);

and the Promoters shall—

Regula-
tions to be
observed
by Pro-
moters.

(e) Comply with all reasonable directions and regulations of such A.

(f) Provide by new, altered, or substituted works as such A. shall reasonably require, for the prevention of injury or impediment to such Sewers and Works.

All such Works shall be done under the control of the said A., and at the reasonable cost and charges of the Promoters, and shall, after completion, be entirely under the control of, and be maintained by, such A.

P. H. Act, 1875 : Vesting of Sewers in L. A., sec. 13, p. 13.

32. Rights of Authorities and Companies, etc., to open Roads.

Nothing in this Act shall take away or abridge any power—

(a) To break up any Road along or across which any T. is laid or any other power vested in any Local or Road A.

(b) Vested in any Company or Person for the purpose of laying down, repairing, altering or removing any Gas or Water Pipe or any Telegraph or other Tubes, Wires, or Apparatus ;

but in exercising such powers, such A., Company, or Person shall be subject to the following restrictions, viz. :—

They shall—

- (1) Cause as little detriment or inconvenience to the Promoters as possible.
- (2) Before commencing any Work whereby the T. traffic will be interrupted (except in cases of urgency, when no Notice shall be necessary), give 18 hours' Notice to the Promoters, specifying the time when such Work will be commenced.
- (3) Not be liable for compensation for injury to the T., for loss of traffic occasioned by such Work, or for the reasonable exercise of their powers.
- (4) If so required, the Promoters shall, on receipt of the aforesaid Notice (*sub-sec. 2*) from the Local or Road A., either stop the T. traffic, or, at their own risk, and cost, shore up and secure the same during the execution of the Works ; provided that such Work shall be completed by such A. with all reasonable expedition.
- (5) No Company or Person shall execute any Work immediately affecting the T. except under the superintendence of the Promoters (except where withheld or withdrawn) ; and such Work shall be executed at their own expense and to the Promoters' satisfaction ;

Restric-
tions on in-
terference
with T.

Promoters
may super-
vise works
interfering
with T.

Provided that any additional expense due to the construction of the T. subsequent to the laying of such Mains, Pipes, Tubes, etc., shall be borne by the Promoters.

Sec. 32.

P. H. Act, 1875: Powers of Surveyors of Highways, sec. 144, p. 41. Vesting of Streets in U. A., sec. 149, p. 43.

Electric Lighting Act, 1882, secs. 12, 13, p. 260,

Do. Provisional Order, sec. 9-12, p. 282,

Waterworks Clauses Act, 1847, p. 200, secs. 28-34, 52,

Gasworks Do. 1847, p. 224, secs. 6-12,

} Power to break
up Streets.

33. Differences between Promoters and Road A., etc.

Any Differences between the Promoters and any Local or Road A., Gas, Water, or other Company or Person concerning any interference or control claimed to be exercised by them or by the Promoters in relation to—

(a) Any T. or Work connected therewith;

(b) Any Work or proceeding of the Local or Road A., Company, or person;

(c) The propriety, or mode, of executing any Work relating to any T.;

(d) The amount of compensation by or to the Promoters;

(e) Whether any Work ought reasonably to satisfy the Local or Road A., Company, etc., concerned.

(f) Any other subject regulated by this Act;

to be settled (unless otherwise specially provided for) by a Nominee appointed (on the application of either party) by the Bd. of T.

PART III.

GENERAL PROVISIONS.

CARRIAGES.

34. Power of Promoters to use Flange-wheeled Carriages.

Subject to this and the Special Act, the Promoters shall have the exclusive use of their T., for Carriages with Flange-wheels, or other wheels suitable to run on the prescribed Rails.

Where not otherwise prescribed in the "Special Act" (*def. sec. 3*), such Carriages to be moved by animal power only (*see Rule 4, p. 433*).

No Carriage to extend more than 11 inches beyond the outer edge of the wheels.

35. Licenses to use T. may in certain events be granted to third Parties, by the Bd. of T.

36. In default of payment of Tolls, Licensee's Carriages may be sold.

37. Licensees to give account of passengers carried by them.

38. Penalty for failing to give account of passengers (*sec. 37*).

39. Disputes as to amount of Toll to be settled by Justice.

40. Owners of Carriages liable for damage done by their servants.

DISCONTINUANCE OF TRAMWAYS.

41. T. to be removed in Certain Cases.

Where any T. (or part thereof) has been discontinued for 3 months, such discontinuance not being due to circumstances (other than want of funds) beyond the control of the Promoters, the Bd. of T. may by Order declare the Promoters' powers to be at an end, whereupon such powers shall cease, unless the same are purchased by the L. A. (*sec. 43*).

After 2 months from the date of such Order, the Road A. may, under the Certificate of the Bd. of T., remove the discontinued T.

The cost (certified by the Clerk or other authorized officer of the Road A., whose Certificate shall be final and binding) of such Removal and Restoration of the Road shall be paid by the Promoters—and, if such cost remain unpaid within one month after delivery of such Certificate, the Road A. may (without prejudice to other means of recovery) sell and dispose of the materials of such Tramway (or part thereof) removed, and reimburse themselves the amount of the certified cost and costs of sale, any Balance to be paid to the Promoters.

INSOLVENCY OF PROMOTERS.

42. Proceedings in Case of Insolvency of Promoters.

Where representation is made to the Bd. of T. by the Local or Road A. that the Promoters are insolvent and unable to maintain or work the T. to public advantage, such Board may direct an Inquiry, and may, should they find the Promoters are insolvent, by Order, declare that their powers shall cease within 6 months therefrom; and such powers shall cease unless purchased by the L. A. (*sec. 43*).

Thereupon the Road A. may remove the T., and recover the costs, etc., the same as in the case of Removal under *sec. 41*.

PURCHASE OF TRAMWAYS.

43. Future Purchase of T. by L. A.

The L. A. may—

- (1) Within 6 months after the expiration of 21 years from the time such T. was authorized; or
 - (2) 6 months after the expiration of every subsequent period of 7 years; or
 - (3) With the approval of the Bd. of T., 3 months after any Order issued by such Board (*under secs. 41, 42*);
- by Notice require the Promoters to sell their T. (or that part within their District), upon terms of paying the then value (exclusive of allowance for past or future profits, Compensation for Compulsory Sale, or other considerations) of the T. and all lands, buildings, works, materials, and plant suitable to and used in connection with such T. within such District. Such value (if in dispute) to be settled by a Nominee appointed (on the application of either party) by the Bd. of T.

Valuation
to be ex-
clusive of
Profits, etc.

* * * * *

Two or more L. A.s may jointly purchase any undertaking or so much thereof as is within their Districts.

Joint pur-
chase by
Local
Authori-
ties.

44. Power of Sale.

When any T. has been opened to Traffic for 6 months, the Promoters may (with the consent of the Bd. of T.) sell the same to any Person, Corporation, Company, or to the L. A.

* * * * *

TOLLS.

45. Tolls not to exceed sums specified in Special Act.

BYELAWS.

46. Byelaws by L. A.

(1) Subject to this and to the "Special Act" (*def. sec. 3*), the L. A. may from time to time make Regulations and

Sec. 46. Byelaws (and alter and repeal the same) as to the following matters—

- (a) Rate of speed of Carriages.
- (b) Distances at which Carriages may follow each other.
- (c) Stopping of Carriages.
- (d) General traffic on the Road.

(2) The Promoters may also from time to time make Regulations and Byelaws for—

- (e) Preventing Nuisances in or upon any Carriage, or against their premises.
- (f) Regulating the travelling upon their Carriages.

(3) Notice of intended Byelaws (and copy thereof) to be published. * * * *

(4) Procedure on making Byelaws. * *

47. *Penalties* 40s. and 10s. daily may be imposed in Byelaws.

48. Power of L. A. to license Drivers, Conductors, etc.

OFFENCES.

49. **Penalty for Obstruction of Promoters in laying out T.**
Penalty £5 for—

- (a) Obstructing the lawful exercise of any powers for constructing or repairing any T.; or
- (b) Defacing or destroying any marks made in order to set out the line of such T.
- (c) Damaging the property of the Promoters, Lessees, or Licensees.

50. **Penalties for wilful injury or obstruction to T.**

Penalty £5 for illegally—

- (a) Interfering with, removing, or altering any part of a T., or works connected therewith.
- (b) Placing or throwing stones, dirt, mud, refuse, etc., on any T.; or

- (c) Causing anything to be done to obstruct any Tramcar, Sec. 50.
or to endanger life.

* * * * *

51. Penalty on passengers practising Frauds on Promoters.

52. Transient Offenders.

53. Penalty for bringing dangerous goods on T.

54. Penalty for persons using T. with Carriages with flange wheels.

Penalty £20 for using (except by lease or agreement or under License of the Bd. of T., *sec.* 35) on any T., Carriages with flanged or other wheels suitable only to run thereon.

MISCELLANEOUS.

55. Promoters or Lessees to be responsible for all damage.

The Promoters shall be responsible for all accidents, damage, or injuries happening through their, or their servants, acts or defaults, and shall save harmless all Road and other Authorities from all damage and costs in respect of such accidents and injuries.

56. Recovery of Tolls, Penalties, etc.

57. Promoters not to acquire right over Road other than User, and not to be exempt from Turnpike Tolls.

58. Arrangements between Turnpike-road Trustees and Promoters.

59. Reservation of rights of Owners, etc., of Mines.

60. Reserving powers of Street A. to widen, etc., Roads.

Sec. 60.

Nothing in this Act shall affect any power of any Road A., or of the Owners, Commissioners, Undertakers or Lessees of any Railway, Tramway or Inland Navigation, to widen, alter, divert or improve any Road, Railway, Tramway or Inland Navigation.

61. Power of Local or Police A. to regulate Road and Tramway Traffic not limited by this Act.

62. Reservation of Right of public to use Roads.

Neither this Act nor any Byelaw thereunder shall affect the right of the public to pass along or across every part of any Road whereon the Tramway is situate, with Carriages not having wheels suitable only to run on Tram lines.

63. Provisions to regulate Inquiries before Referee appointed by Bd. of T.

64. Bd. of T. Rules for carrying Act into effect.

SYNOPSIS
OF
SCHEDULES TO TRAMWAYS ACT, 1870,
ALSO OF
BOARD OF TRADE RULES.*

SCHEDULE A.

PARTS I. AND II.

Definitions of Local and of Road A. By whom Prov. Orders may be obtained; or from whom Consents must be obtained by Promoters (*sec. 4, sub-secs. a, b*).

PART III.

As to Evidence of Approval by L. A.

Rules 1, 2. Evidence of Approval of L. A.'s, or of Promoters', Application to be certified.

SCHEDULE B.

PART I.

As to Advertisement (and as to Contents thereof) in October and November, of intended Application.

Rule 3. As to description of T. in Advertisement.

Rule 4. Advertisement to specify Narrow Places, Gauge, and Motive Power (*secs. 9, 25, 34*).

Rule 5. Notice of intended Application to be posted (in October and November) in Streets affected.

Rule 6. Notice to be served (by December 15th) on Owners, or Lessees of Railway, Tramway or Canal, etc., affected by Works.

Rule 7. Notice of Application for extension of time for construction and for authority to abandonment of Tramway to be served on L. A.

* As these Schedules and Rules deal principally with procedure in making Application for a P. O., only the subject-matter thereof is indicated.

Rule 8. Intimation to intending Objectors.

Rule 9. Notice to be given (by December 15th) to Frontages abutting on Narrow Places (*sec.* 9).

PART II.

Deposit of Advertisement and Plans (by November 30th) at Bd. of T. and other Offices.

Rule 10. Map and Diagram of District with line of proposed Tramway to be deposited.

Rule 11. Requirements as to deposited Plans of Works.

Rule 12. Plans in certain cases to be in duplicate.

Rule 13. Portions only of Plans required in certain cases.

Rule 14. Plans, etc., to be deposited in Parliament.

PART III.

Deposit of Memorial, Draft Provisional Order and Estimate of Expense (by December 23rd) at Bd. of T. Office.

Rule 15. Lists of affected Railways, Tramways, Canals, Local and Road A., and Copies of Notice thereto, etc., to be deposited with Bd. of T.

Rule 16. Form of Draft P. O. (also rules to be observed in drafting same).

Rule 17. Proofs of Compliance with Acts and Rules to be ready by January 15th, and completed by February 22nd.

PART IV.

Deposit and Advertisement (by April 25th) of P. O. when made (*secs.* 13, 14).

Rule 18. Deposit of amended Plan and Section (where alterations made).

Rule 19. Proofs of Deposit and Advertisement of P. O. as made.

Rule 20. As to Deposit of Money.

Rule 21. Penalties for non-completion (*sec.* 18) of T. within prescribed time, or, if none prescribed, within 2 years.

Rule 22. Application of Money Deposit.

Rule 23. Release " "

Rule 24. Miscellaneous as to Deposits.

OPENING OF TRAMWAYS (Sec. 25).

Rule 25. Promoters to give 14 days' Notice to Bd. of T. of intention to open any T. (or part thereof), and not to open the same for Public Traffic until inspected by a Bd. of T. Inspector and certified as fit for such Traffic.

The above Notice to be accompanied by—

- (1) Copy of Act or P. O.
- (2) Copy of deposited Plans and Sections relating to part of T. to be opened (distinguishing between double and single lines and showing in red any variations therefrom in T. as constructed).
- (3) List of Local and Road A.s concerned.
- (4) Diagram of Lines to be inspected (scale 2 in. to 1 mile).

PROLONGATION OF TIME FOR COMMENCEMENT AND COMPLETION OF
WORKS.

Rules with respect to applications for prolongation of time (*sec. 18 and Rule 21*).

HIGHWAY ACT, 1835.

(5 & 6 WILL. 4, CAP. 50.)

ARRANGEMENT OF SECTIONS.

SECTION

5. Definitions.

6-12. APPOINTMENT OF SURVEYOR OF HIGHWAYS.

13-17. FORMATION OF PARISHES INTO DISTRICTS AND APPOINTMENT OF DISTRICT SURVEYOR.

18, 19. FORMATION OF BOARD FOR REPAIR OF HIGHWAYS IN LARGE PARISHES.

GENERAL PROVISIONS (Secs. 20-26).

20. Penalty for neglect of duty by Surveyor.

21. Repair of Highways over New County Bridges.

22. Power for getting Materials, and preventing Nuisances to extend to County Bridges.

23. Dedication of New Highways.

24. Direction Posts, etc., where and how to be fixed.

25. Temporary Road during Repair, etc., of Highway.

26. Removal of Snow, Fallen Banks, etc.

HIGHWAY RATES, ACCOUNTS, ETC. (Secs. 27-45).

| | | | | | | |
|-----|-------------------------------------|---|---|---|---|---|
| * | * | * | * | * | * | * |
| 35. | Cartage of Materials by Ratepayers. | | | | | |
| * | * | * | * | * | * | * |

MATERIALS FOR HIGHWAY REPAIRS (Secs. 46-57).

46-54. Power to obtain Materials.

55. Gravel Pits to be Fenced.

56. Penalty for leaving Heap of Stones on Highway at Night unprotected.

57. Penalty for damaging Bridge, Building, etc., in digging Materials.

REPAIR OF CERTAIN HIGHWAYS (Secs. 58-62).

58-60. Repair of Highways lying in two Parishes.

61. Boundaries not to be changed except for Repair of Highway.

62. Highway repairable *ratione tenuræ*, may be made repairable by Parish.

HEDGES, TREES, DITCHES, ETC. (Secs. 63-68).

SECTION

- 63. Definition of Centre of Highway.
- 64-66. Trees and Hedges shading or obstructing Highways.
- 67, 68. Power to make Ditches, etc.

OBSTRUCTIONS, NUISANCES, ETC. (69-79).

- 69. Encroachments on Highways.
- 70. Pits, Shafts, Engines, etc., to be certain distance from Highway.
- 71. As to Level Crossings. (Repealed by sec. 1, Highway Act, 1839 p. 458).
- 72, 73. Nuisances on Highways.
- 74, 75. Cattle straying on Highways.
- 76-79. As to Waggon.
- 80, 81. WIDTH OF CARTWAYS, GATEWAYS, ETC.
- 82, 83. WIDENING HIGHWAYS.
- 84-93. STOPPING UP AND DIVERTING HIGHWAYS.
- 94-96. HIGHWAYS OUT OF REPAIR.
- 97-111. LEGAL PROCEEDINGS.
- 112-120. SAVINGS, ETC.

HIGHWAY ACT, 1835.

(5 & 6 WILL. 4, CAP. 50.)

NOTE:—APPLICABLE TO HIGHWAY SURVEYORS.*

| | |
|---|---|
| „ | URBAN AUTHORITIES (under P. H. Act, 1875, sec. 144, p. 41. |
| „ | HIGHWAY BOARDS,* with the exception of secs. 9, 10, 13–20, 35, 39, 40, and 43–46 (under Highway Act, 1862, sec. 42, p. 466, and Highway Act, 1864, sec. 20, p. 470. |
| „ | COUNTY COUNCILS, with respect to Main Roads, to the extent provided by sec. 11, Local Gov. Act, 1888, p. 371. |

* * * * *

5. Definitions.

| Expression. | Definition. |
|---------------------------|--|
| “Surveyor” . * * * * * | Surveyor of Highways, or Waywarden. * * * * * |
| “Highways” * * * * * | Roads, Bridges (not being County Bridges), Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, and Pavements. * * * * * |
| “Owner” . * * * * * | Includes Occupier. * * * * * |

APPOINTMENT OF SURVEYOR OF HIGHWAYS * (Secs. 6–12).

FORMATION OF PARISHES INTO DISTRICTS, AND APPOINTMENT
OF DISTRICT SURVEYOR * (Secs. 13–17 †).

* As to transfer of powers of Highway A. to Rural District C., see Local Govt. Act, 1894, sec. 25, p. 401. Such Transfer of powers will render these secs. 6–19 inoperative.

† These Sections do not apply to any Parish within a Highway District, or to any Highway Bd. formed under the Highway Act, 1862 (sec. 42, p. 466).

FORMATION OF BOARD FOR REPAIRS OF HIGHWAYS IN LARGE
PARISHES * (Secs. 18, 19 †).

GENERAL PROVISIONS (Secs. 20-26).

20.† Penalty on Surveyor, etc., for neglect of duty.

Penalty £5 on Surveyor^a (*sec.* 6), District Surveyor (*sec.* 14), or Assistant-Surveyor (*sec.* 18), for neglect of any duty required by this Act, for which no particular Penalty is imposed.

Recovery of Penalties, *sec.* 103. Limitation of Actions, *sec.* 104.

Highway and Loco. (Amendt.) Act, 1878, p. 478. Power of County A. to enforce performance of duty by defaulting Highway A., *sec.* 10.

21. Repair of Highways over New County Bridges.†

The Highways^a crossing over, and approaches to any Bridge hereafter built, which is by Law liable to be repaired by the County (or part thereof), shall be repaired by the Party previously liable for such repair. Provided that the Walls, Banks, or Fences of the Approaches, or Land Arches, shall be repaired by the County.

Power of Surveyor for getting Materials to extend to Surveyor of County Bridges, *sec.* 22. Penalty for damaging Bridges, etc., in digging Materials, *sec.* 57. Penalty for damaging Parapets, etc., of Bridges, *sec.* 72. Act not to extend to Bridges under Local Acts, *sec.* 113.

Highway Act, 1864, p. 469. Power of Highway Bd. to contract for repair of Roads over County or other Bridges, *sec.* 22.

Highway and Loco. (Amendt.) Act, 1878, p. 478. Power of County A. to accept Bridges on Surveyor's Certificate, *sec.* 21. County A. may contribute towards erection of Bridges, *sec.* 22. Power of County A. to make Byelaws as to Width of Wheels of Waggon, etc., and as to locking of Wheels, *sec.* 26.

Local Gov. Act, 1888, p. 367. Transfer of County Bridges to County Council, *sec.* 3. Power of County Council to purchase, and erect new, Bridges, *sec.* 6. Bridges carrying Main Roads to be repaired by County Council, *sec.* 11. Transfer of Bridges to Council of County Borough, *sec.* 34.

P. H. A., 1875, p. 7. Power of U. A. to construct or adopt public Bridges *sec.* 147. Power of U. A. to agree as to maintenance, watering, and cleansing of County Bridges, *sec.* 148.

Railway Clauses Consolidation Act, 1845, p. 502. Railway Co. to repair Bridges and Approaches, *sec.* 46.

22. Power of Surveyor^a for getting Materials and preventing

* As to transfer of powers of Highway A. to Rural District C., see Local Govt. Act, 1894, *sec.* 25, p. 401. Such Transfer of powers will render these secs. 6-19 inoperative.

† These Sections do not apply to any Parish within a Highway District, or to any Highway Bd. formed under the Highway Act, 1862 (*sec.* 42, p. 466).

‡ Under *sec.* 12, Annual Turnpikes Acts Continuance Act, 1870, where a Turnpike Road has become an ordinary Highway, all Bridges previously repaired by the Trustees of such Turnpike Road shall become County Bridges. Provided that such Bridges shall be treated as if they were Bridges built subsequent to the passing of the Highway Act, 1835 (*sec.* 21).

^a Definition, *sec.* 5, p. 438.

Sec. 22. Nuisances to extend to Surveyor of County Bridges and Roads at end thereof repairable therewith.

Power of obtaining Materials for Highway repairs, secs. 51-57. Nuisances on Highways, secs. 72, 73. See also sec. 21, and References thereto.

23. Dedication of New Highways.

No Road, Occupation Way, Driftway, or Horsepath shall become a dedicated Highway^a unless the Party proposing to dedicate such Highway—

- (a) gives the Surveyor^a 3 months' Notice of such intention ;
- (b) constructs the same in a substantial manner, and of the width required by the Act, to the satisfaction of the Surveyor and two Justices ;

who, on receiving such Notice, shall view and certify the same, when, after being used by the Public, and kept in repair by the said Party for a period of 12 months, such Highway shall become a dedicated Highway.

Question of
utility of
Highway.

Provided that on receipt of such Notice the Surveyor shall call a Vestry Meeting; and if such Vestry deem such Highway not of sufficient utility, the question of utility shall be determined by Justices.

Highways repairable *ratione tenuræ*, may be repaired by Parish, sec. 62. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81. Widening, stopping up, and diverting Highways, secs. 82-93; also—

Highway Act, 1862, p. 461. Highways repairable *ratione tenuræ*, out of repair, in Highway District, sec. 34. Highways repairable *ratione tenuræ*, in Highway District may be made repairable by Parish, sec. 35. Power to dedicate Private Streets in return for the use thereof, sec. 36.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highway in Highway District, sec. 21.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Recovery of expense of extraordinary traffic, sec. 23. Discontinuance of maintenance of unnecessary Highways, sec. 24. Ordinary Highway may become a Main Road, sec. 15. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26.

P. H. Act, 1875, p. 7. Power of Urban A. to dedicate Private Streets when Sewered, etc., sec. 152. Power of U. A. to agree as to making of new public Roads, sec. 146.

P. H. A. Amendt. Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, sec. 27. Power of U. A. to dedicate Private Streets when any of the Works specified in sec. 150, P. H. A., 1875, are done, sec. 41.

Private Streets Works Act, 1892, p. 121. Power of U. A. to Pave, etc., Private Streets and recover expenses.

24. Direction Posts, etc., where and how to be fixed.

The Surveyor^a shall—

Direction
Posts.

- (a) with consent of Vestry, or by Order of Justices, erect where two Highways^a meet, a Stone or Post with the Name thereon (in letters not less than 1 in. deep, and of proportionate breadth) of the next Market Town, Village, or other place to which such Highways respectively lead, also Stones or Posts

^a Definition, sec. 5, p. 438.

to mark the Boundaries of the Highway, with the name of the Parish wherein situate; Sec. 24.

(b) erect graduated Stones or Posts at the approaches to any part of a Highway subject to dangerous Floods, for the guidance of Travellers in the safest track; Boundary Stones.
Highway subject to Floods.

(c) prevent Horse and Foot Causeways from being damaged by Waggon, etc., by fixing Blocks or Stones, or by Banks of Earth. Protection of Causeways.

Penalty on Surveyor for neglect of duty, sec. 20. Removal of Snow, fallen Banks, etc., sec. 26. Highways lying in two Parishes, secs. 58-61. Penalty for damaging Stones, Posts, Banks, etc., sec. 72. Act not to extend to Roads under Local Acts, sec. 113; also—

Highway Amendt. Act, 1839, p. 458. Railway Company to erect gates where crossing Highways, sec. 1.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

Highway Rate Assessment and Expenditure Act, 1882, p. 486. Power to fix Milestones and fence Highways, sec. 6.

25. Temporary Road during Repairs, etc., of Highway.

Adjoining ground (not being Garden, Park, Plantation, Building Ground, etc.) may be used as temporary Road during Repair or Widening of any ruinous or narrow part of a Highway,^a on making Compensation therefor. Such Compensation to be fixed by Justices, and may be recovered as Fines, etc. (sec. 103). Compensation.

Widening Highways, secs. 82, 83. Highways out of repair, secs. 94-96.

Highway Act, 1862, p. 461. Highway out of repair in Highway District, secs. 18, 19. Highway repairable *ratione tenuræ*, out of repair, sec. 34.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Recovery of expenses due to extraordinary Traffic on Highways, sec. 23.

Towns Impt. Clauses Act, 1847, p. 149. Precautions during the construction and repair of Streets, etc., secs. 79-83.

Local Government Act, 1888, p. 367. Power of County Council as to Main Road out of Repair, sec. 11(8).

26. Removal of Snow, fallen Banks, etc.

Surveyor^a shall (and within 24 hours after Notice from a Justice) remove any impediment or obstruction to a Highway, arising from accumulation of Snow, fallen Banks, or any other causes.

Penalty on Surveyor for neglect of duty, sec. 20. Highways lying in two Parishes, secs. 58-61. Hedges, Trees, and Ditches affecting Highways, secs. 64-68. Encroachment on Highway, sec. 69; also—

Obstructions and Nuisances on Highways, secs. 72-79. Width of Cartways, Horseways, and Footways, sec. 80. Act not to extend to Roads under Local Acts, sec. 113.

Highway Act, 1864, p. 469. Encroachment on Highway, sec. 51.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

Highway Act Amendt. Act, 1885, p. 487. Power to remove Banks, etc., obstructing Highways.

Local Government Act, 1888, p. 367. Maintenance of Main Roads, sec. 11.

P. H. Act, 1875, p. 7. Power of Urban A. to make Byelaws as to removal of Snow, sec. 44 (Byelaws, p. 580).

Towns Police Clauses Act, 1847, p. 159. Obstructions and Nuisances in Streets, sec. 28.

^a Definition, sec. 5, p. 438.

HIGHWAY RATES, ACCOUNTS, ETC.* (Secs. 27-45).

* * * * *

35.† Cartage of Materials by Ratepayers.

Two Ratepayers may, within 6 days from Appointment of Surveyor^a (sec. 6), request him to call a Meeting of Ratepayers, when the Surveyor shall call such Meeting within 8 days, giving 6 days' previous Notice thereof.

Payment
by Sur-
veyor.

Such Meeting may resolve that Ratepayers keeping a Team of 2 or more Horses, etc., shall divide among themselves (in proportion to their ratable value) the cartage of Materials for Highway Repairs, in which case they shall be paid by the Surveyor at such rate per cube yd. per mile (and so in proportion for any part of a mile) as shall be fixed by the Justices.

Cartage to
be under
Surveyor's
directions.

Provided that such Cartage shall be performed at such times (the periods of Spring, Seed-time and Harvest excepted), and in such manner as the Surveyor may direct, failing which he may apply to Justices for redress.

Penalty on Surveyor for neglect of duty, sec. 20.

Surveyor not to share in any Contract or let to hire any Team, sec. 46. Power for obtaining Materials for Highway Repairs, secs. 47-54. Gravel Pits to be fenced, sec. 55. Penalty for allowing heap of Stones, etc., on Highway at night, unprotected, sec. 56. Penalty for damaging Bridge, Building, etc., in digging materials, sec. 57.

Highway Act, 1864, p. 469. Power of Waywarden to Contract for Materials, etc., sec. 20. Power of Highway Bd. to contract for repair of Highways, sec. 22. Power of Highway Bd. to contract for Materials and maintenance of Highways, sec. 52.

* * * * *

MATERIALS FOR HIGHWAY REPAIRS (Secs. 46-57).

46.† Surveyor^a may Contract for Materials, but not to share in Contract, etc.

Not to let
to hire any
Team.

Surveyor^a may, with consent of Vestry, Contract for purchasing, getting, and carrying Materials for Highway Repairs, but shall not have any share or interest, directly or indirectly, in any Contract or Bargain or on his own account, directly or indirectly, use or let to hire any Team, or use, sell, or dispose of any Materials without license from two Justices, under a *Penalty of* £10, and disability to ever again hold Office of Surveyor with Salary.

Ratepayers may divide amongst themselves the cartage of Materials, sec. 35. Materials, etc., vested in Surveyor, sec. 41. Penalty on illegally taking Road Materials, sec. 47. Power for obtaining Materials, secs. 51-54. Gravel Pits to be fenced, sec. 55. Penalty for allowing heap of Stones, etc., on Highway at

* As to Highway Expenses, see Loc. Govt. Act, 1894, sec. 29, p. 404, and sec. 82, p. 411.

† These Sections do not apply to any Highway Bd. or Parish within any Highway District, see sec. 42, p. 466, and sec. 20, p. 470.

^a Definition, sec. 5, p. 438.

night unprotected, sec. 56. Penalty for damaging Bridge, Building, etc., in Sec. 46. digging Materials, sec. 57. Recovery of Penalties, sec. 103; also—

Highway Act, 1864, p. 469. Power of Waywarden to contract for Materials, sec. 20. Power of Highway Bd. to Contract for repair of Highways, sec. 22. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52.

P. H. Act, 1875, p. 7. Officers not to Contract with L. A., sec. 193.

47. Penalty £10 on illegally taking away Road Materials belonging to Surveyor.^a

Materials, etc., vested in Surveyor, sec. 41. Recovery of Penalties, sec. 103.

48. Waste Lands allotted to Parish for obtaining Materials, when exhausted may be sold. (*Extended by Highway Act, 1845, p. 460, and partly repealed by Local Gov. Act, 1894, p. 413.*)

* * * * *

51. Obtaining Materials from Commons, Rivers, etc.

Surveyor^a may search for and obtain Materials for Highway Repairs from any Waste or Common Ground, River or Brook *within* the Parish, or *without* the Parish, should sufficient not be conveniently obtainable within, and sufficient be left for the use of the Roads in such other Parish. Provided the course of any River or Brook be not diverted or interrupted, nor Materials obtained within 150 ft. of any Bridge, Dam, or Weir, or any damage done to any Building, Highway, or Ford.

Surveyor may also, on the Owners' ^a consent or License from two Justices, gather Stones off Land within Parish without other compensation than for damage done in carrying them away.

Ratepayers may divide amongst themselves the cartage of Materials, sec. 35. Materials, etc., vested in Surveyor, sec. 41. Power of Surveyor to contract for Materials, but not to share in Contract, etc., sec. 46. Penalty for illegally taking Road Materials belonging to Surveyor, sec. 47. Waste Lands, when exhausted, may be sold, sec. 48. Obtaining Materials from Sea Beach, or enclosed Lands, secs. 52-54. Gravel Pits to be fenced, etc., sec. 55. Penalty for allowing heap of Stones, etc., on Highway at night, unprotected, sec. 56. Penalty for damaging Bridge, Mill, etc., in digging Materials, sec. 57; also—

Highway Act, 1864, p. 469. Power of Waywardens to Contract for Materials, sec. 20. Power of Highway Bd. to Contract for Highway repairs, sec. 22. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52.

Quarry (Fencing) Act, 1887, p. 147. Fencing of Gravel Pits, etc., adjacent to Highways, sec. 3.

52. Obtaining Materials from Sea Beach.

Sea Beach not to be removed where removal would cause inundation to the adjoining Lands, or increase danger of encroachment by the Sea.

See previous Section and References thereto.

53. Notice to be given before obtaining Materials from Enclosed Lands. (*Amended by Highway Act, 1841, p. 459.*)

^a Definition, sec. 5, p. 438.

Sec. 53. One month's written Notice to be given to the Owner^a of enclosed Land, requiring him to appear before Justices prior to Surveyor^a digging or gathering Materials therefrom. Should sufficient cause not be shown to the contrary, Justices may authorize Surveyor to obtain Materials.

See sec. 51, and References thereto.

54. Obtaining Materials from Enclosed Lands.

If sufficient Materials cannot be found in Waste or Common Lands, Rivers, or Brooks (*sec.* 51), Surveyor^a may, by License from Justices (on making Compensation to the Owners), search, dig, and get Materials from any enclosed Lands (not being Garden, Yard, Lawn, Park, Paddock, enclosed Plantation, or enclosed Wood not exceeding 100 acres in extent) within the Parish, or *without* the Parish should sufficient not be conveniently had within.

See sec. 51, and References thereto.

55. Gravel Pit, etc., to be Fenced.

(1) Holes made by Surveyor^a in Lands, Common Grounds, Rivers, and Brooks for obtaining Materials shall—

- (a) where Materials are found, be forthwith Fenced off;
- (b) where no Materials are found, be filled and levelled within 3 days;
- (c) where sufficient Materials have been obtained, be filled up or sloped down, and Fenced within 14 days, if required by the Owner.^a

Penalty £10 for default after 6 days' Notice from Justices, or Owner, or Occupier.

Existing
Holes.

(2) Surveyor within 21 days from appointment, to fill up or slope down all Holes made for obtaining Material that are not further required, or if of further use to Fence same under a *Penalty* of 10s.

Power for obtaining Materials from Lands, Rivers, etc., *secs.* 51-54; also—
Highway Rate Assessment and Expenditure Act, 1882, p. 486. Power to fence Highways for protection of public, *sec.* 6.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., *sec.* 10.

Quarry (Fencing) Act, 1887, p. 147. Fencing of Gravel Pits, etc., adjacent to Highways, *sec.* 3.

56. Heap of Stones, etc., on Highway at Night, unprotected.

Penalty £5 on Surveyor,^a or District Surveyor (*sec.* 14), allowing heap of stones or other matter or thing to remain on Highway^a at night without reasonable protection against accidents.

Surveyor to remove Snow, fallen Banks, etc., *sec.* 26. Trees or Hedges obstructing or shading Highways, *secs.* 64-66. Encroachments on Highways, *sec.* 69. Distance of Pits, Shafts, Engines, etc., from Highway, *sec.* 70. Nuisances and obstructions to Highways, *secs.* 72, 73. Recovery of Penalties, *sec.* 103; also—

Highway Act, 1864, p. 469. Encroachments on Highways, *sec.* 51.

^a Definition, *sec.* 5, p. 438.

- Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc. Sec. 56.
 Towns Improvement Clauses Act, 1847, p. 149. Precautions during construction and repair of Sewers, Streets, and Houses, in Urban Districts, secs. 79-83.
 Towns Police Clauses Act, 1847, p. 159. Obstructions and Nuisances in Streets in Urban Districts, sec. 28.
 P. H. Act, 1875, p. 1, secs. 16, 32, 54.
 Waterworks Clauses Act, 1847, secs. 28-34, 52, p. 200.
 Gasworks Clauses Act, 1847, secs. 6-12, p. 223.
 Tramway Act, 1870, secs. 26-29, p. 420.
 Electric Lighting Act, 1882, secs. 12-13, p. 260.
 Electric Lighting Provisional Order, secs. 9-12, p. 282.
 Railway Clauses Consolidation Act, 1845, secs. 52-58, 66, p. 508.

} Breaking up,
 etc., of
 Streets.

57. Damage to Bridge, Building, etc., in digging Materials.

Penalty £5 on Surveyor^a digging Materials whereby any Bridge, Mill, Dam, Ford, Building, Highway,^a Occupation Road, Mine or Tin Works is damaged.

Power to dig Materials, secs. 51-54. Penalty for damaging Parapets, etc., of Bridges, sec. 72. Recovery of Penalties, sec. 103.

REPAIR OF CERTAIN HIGHWAYS (Secs. 58-62).

58-60. Repair of Highways lying in two Parishes.

Where the Boundary of Parishes runs along the middle of a Common Highway,^a Justices shall, on written complaint of either Surveyor,^a particularly describing the Highway, and accompanied by a Plan, divide such Highway by a transverse line into equal parts, or into such parts as they shall consider just, having regard to the Soil, Waters, Floods, inequality, or any other circumstances connected therewith, and shall mark such line by Posts or Stones.

The same proceeding may be adopted in respect of any Highway part of which is repairable by any Party by reason of tenure of Land or otherwise, but the Justices shall hear and consider any objection, such Party may make to such proceedings.

Highway
 repairable
*ratione
 tenuræ.*

Highway out of Repair, secs. 94-96. Act not to extend to Roads under Local Acts, sec. 113; also—

Highway Act, 1862, p. 461. Highway out of repair in Highway District, secs. 18, 19. Highway repairable *ratione tenuræ*, out of repair, sec. 34.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Recovery of expense due to extraordinary Traffic, sec. 23.

Local Government Act, 1888, p. 367. Entire maintenance of Main Roads by County Council, sec. 11.

P. H. Act, 1875. Power to execute works in adjoining District, sec. 285, p. 78.

61. Boundary of Counties, Parishes, etc., not to be changed except for the repair of Highways^a situate in two Parishes (secs. 58-60).

62. Highway repairable *ratione tenuræ*, may be made repairable by Parish.

Any Party liable to Repair any Highway^a by reason of tenure of

^a Definition, sec. 5, p. 438.

Sec. 62. Land or otherwise, or the Surveyor^a (with the consent of the Vestry) may apply to Justices to make such Highway a Parish Highway. If the Justices so decide, they may fix an Annual Payment, or Capital Sum in full discharge, to be paid by such Party to the Surveyor for the expenses of Repair.

Compensation for Repairs.

Dedication of new Highways, sec. 23. Temporary Road during Repair of Highway, sec. 25. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81. Widening Highways, secs. 82, 83. Stopping up and Diverting Highways, secs. 84-92. Provisions as to Widening, stopping up and Diverting Highways to extend to Highways repairable *ratione tenuræ*, sec. 93. Highway out of repair, secs. 94-96. Act not to extend to Roads under Local Acts, sec. 113; also—

Highway Act, 1862, p. 461. Highway, repairable *ratione tenuræ*, out of repair in Highway District, sec. 34. Highway, repairable *ratione tenuræ*, may be made repairable by Parish, sec. 35. Power to dedicate Private Roads in return for the use thereof, sec. 36.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highway, sec. 21. Power to contract for repair of Highway, secs. 22, 52.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Recovery of expenses of extraordinary Traffic, sec. 23. Discontinuance of maintenance of unnecessary Highway, sec. 24.

P. H. Act, 1875, p. 1. Power of U. A. to agree as to maintenance, cleansing and Watering of Roads, etc., sec. 148. Power of Urban A. to dedicate Private Streets when Sewered, etc., sec. 152.

P. H. A. Amendt. Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, sec. 27. Power of U. A. to dedicate Private Streets when any of the works specified in sec. 150, P. H. A., 1875, are done, sec. 41.

Private Street Works Act, 1892, p. 121. Power of U. A. to Pave, etc., Private Streets and recover expense.

HEDGES, TREES, DITCHES, ETC. (SECS. 63-68).

63. Definition of Centre of Highway.

The centre of a Highway shall be the centre of that portion of ground maintained and repaired as Highway by the Surveyor for the 6 months immediately preceding.

64. Trees, etc., in Highways.

Penalty 10s. for planting, and failing to remove within 21 days of Notice, any Tree, Bush, or Shrub on, or within 15 ft. from the centre of any Carriageway or Cartway.

Definition of centre of Highway, sec. 63. Removal of fallen Banks, etc., sec. 26. Hedges and Trees shading Highways, sec. 65. Hedges and Trees when to be cut, sec. 66. Encroaching on Highway with Hedge, Ditch, etc., sec. 69. Nuisances and obstructions on Highways, secs. 72-79. Recovery of Penalties, sec. 103.

Highway Act, 1864, p. 469. Encroachments on Highways, sec. 51.

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc.

P. H. Act, 1875, p. 1. Penalty for damaging Fences, Posts, Trees, etc., in Urban District, sec. 149.

P. H. A. Amendt. Act, 1890: Power to plant Trees in Urban Districts, sec. 43, p. 117.

65. Hedges and Trees shading Highways.

If the Surveyor^a considers any Carriageway or Cartway is pre-

^a Definition, sec. 5, p. 438.

judiced by the obstruction or shade of any Hedges, or Trees (except Sec. 65. Trees planted for ornament or for shelter of any Hop-ground, Building, or Courtyard) he may apply to a Justice who may summon the Applica- Owner^a to show cause why such Hedges are not cut, pruned or Justice. plashed, or such Trees pruned or lopped.

Penalty 40s. for failing to comply with Justice's Order within 10 days, and the Surveyor may do the work and recover expense.

Hedges and Trees when to be cut, sec. 66 ; also—

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc.

See also previous section and References thereto.

66. Hedges and Trees when to be cut.

No Person shall be compelled or Surveyor^a permitted to cut or prune Hedges between Sept. 30th, and March 31st; or to fell Timber Trees (except for widening Highway) or Oak Trees only in April, May, or June; or Ash, Elm or other Trees only in Dec., Jan., Feb., and March.

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc., at any time in certain Counties.

See also secs. 64, 65, and References thereto.

67. Ditches, etc.

Surveyor^a may make, cleanse, and keep open all Ditches, Gutters, Drains or Watercourses, and also make and lay such Trunks, Tunnels, Plats, or Bridges, as he shall deem necessary, through any Lands or Grounds lying near any Highway^a on making compensation (provided they are not Waste or Common Lands) for damage done.

Penalty for altering Ditches, etc., sec. 68. Act not to affect powers of Commissioners of Sewers, sec. 117 ; also—

P. H. A., 1875, p. 1. Cleansing of Ditches lying near Boundaries, sec. 48. Ditch in such a state as to be a Nuisance, sec. 91.

68. Penalty on Owner^a altering such Ditches, etc. (*sec.* 67), under the charge of the Surveyor^a without consent.

OBSTRUCTIONS, NUISANCES, ETC. (Secs. 69–79).

69. Encroachments on Highway.*

Penalty 40s. for encroaching within 15 ft. of centre of any Carriage-

^a Definition, sec. 5, p. 438.

* The Annual Turnpikes Acts Continuance Acts, 1865, sec. 2, provides that secs. 118 and 124, General Turnpike Act, 1823, shall continue to apply to any Turnpike Road that, after the passing of that Act (1865), shall become an ordinary Highway. In the construction of the said Sections, the Highway Bd., Surveyor, or other L. A., having the care of the Roads (as the case may be), shall be deemed the Trustees or Commissioners :—

The Sections referred to of the General Turnpike Act, 1823, are as follows :—

Sec. 118. Encroachments on Turnpike Roads.

Penalty £2 for—

- (a) Erecting any Building, Hedge, or Fence on or at the side of any Turnpike Road so as to reduce the breadth, or confine the limits thereof ;
- (b) Filling up or obstructing any Ditch at the side thereof ;

Sec. 69. way or Cartway with any Building, Hedge, Ditch or other Fence, and the Surveyor^a shall remove any such encroachment and recover the expense of so doing.

Definition of Centre of Highway, sec. 63. Penalty on Surveyor for neglect of duty, sec. 20. Surveyor to remove Snow, fallen Banks, etc., sec. 26. Penalty for allowing Materials on Highway at night, sec. 56. Trees, Hedges, etc., obstructing or shading Highways, secs. 64-66. Distance of Pits, Shafts, Engines, etc., from Highway, sec. 70. Obstructions and Nuisances on Highways, secs. 72-79. Recovery of Penalties, sec. 103; also—

Highway Act, 1864, p. 469. Encroachments on Highways, sec. 51.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

Highway Act Amendt. Act, 1885, p. 487. Power of Highway Bd. to prune Hedges, etc., sec. 2.

Towns Improvement Clauses Act, 1847, p. 149. Improving the line of Streets, and removing obstructions in Urban D., secs. 66-74. Dangerous Building to be hoarded in, sec. 75. Precautions during construction and repair of Sewers, Streets, Buildings, secs. 79-83.

Towns Police Clauses Act, 1847, p. 159. Obstructions and Nuisances in Streets in Urban D., sec. 28.

P. H. Act, 1875, p. 1. Power to regulate line of Buildings in Urban D., sec. 155.

P. H. (Building in Streets) Act, 1888, p. 96. Buildings not to be brought forward in Urban D., sec. 3.

Local Govt. Act, 1888. Power of C. C. to prevent Obstructions, etc., sec. 1, p. 372.

Local Govt. Act, 1894. District C. to prevent Encroachments, sec. 26, p. 402.

Barbed Wire Act, 1893, p. 173. Removal of Barbed Wire.

70. Pits, Shafts, Engines, etc., to be certain distance from Highway.

Penalty £5 for—

(a) Sinking any Pit or Shaft or erecting any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto within 25 yards (*not applicable to Locomotives used for Agricultural purposes. See Loco. Act, 1865, sec. 6, p. 496*);

Windmills. (b) erecting any Windmill within 50 yards;

(c) Erecting any Building, Hedge, or Fence on any Common or Waste Land, on the side thereof, within the distance of 25 ft. from the centre, or 30 ft. if within 3 miles of any Market Town;

(d) Making any Drain, Gutter, Sink, or Watercourse across, or otherwise heaping up or injuring the surface of any Turnpike Road;

(e) Ploughing, Harrowing, or breaking up the soil, or turning any Plough or Harrow upon any Land within the aforesaid distance (c) from the centre of any Turnpike Road;

(f) Making any other Encroachment on any Turnpike Road within the aforesaid distance (c) from the centre thereof;

and the Trustees or Commrs. may cause any such Encroachment to be taken down, filled up, opened, or cleansed, as the case may be, at the Offender's expense. * * *

Sec. 124. Definition of Centre of Road.

The centre of the Road shall be the centre of that portion of Ground maintained and repaired as Road by the Trustees or Commrs. for the 6 months immediately preceding any offence committed.

Provided that nothing herein contained shall authorize any Encroachment on any Waste Lands or Grounds lying at the side of any Turnpike Road, being part of the Highway, and over which the public have been accustomed to pass.

See also as to Turnpike Roads, sec. 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto, p. 479.

^a Definition, sec. 5, p. 438.

(c) making any Fire for calcining or burning Ironstone, Limestone, Sec. 70.

Bricks, or Clay, or for making Cokes within 15 yards;
of any Carriageway or Cartway, unless within a Building or sufficiently screened by a Wall or Fence;

Provided that any such Works in existence at the passing of this Act may be used, repaired, rebuilt, or enlarged.

Saving for
existing
Works.

See previous Section, and References thereto.

71. Railway Company to erect Gates where crossing Highways. (*Repealed. See Highway Act, 1839, sec. 1, p. 458*).

72. Nuisances on Highways.

Penalty 40s. (in addition to the amount of damage done) for committing any of the following Nuisances—

- (a) Riding, or driving Horses, Cattle, Carriages, etc., or tethering Cattle, Horses, Cattle, etc., on any Footway or Causeway by the side of any Highway;^a etc., on Footways.
- (b) damaging any Highway^a or the Hedges, Posts, Rails, Walls, Fences, or Banks thereof, or the Mile or other Posts, Blocks, or Stones fixed by the Surveyor (*sec. 24*); Damaging Highway, etc.
- (c) damaging the Parapets, etc., of Bridges; Bridges.
- (e) laying Timber, Stone, Hay, Straw, Dung, Manure, Lime, Rubbish, or other matter or thing to the injury of any Highway or to the injury or interruption of any Person travelling thereon; Deposits on Highways.
- (f) suffering Filth, Dirt, Lime, or other offensive matter to run into or upon any Highway; Offensive matter on Highways.
- (g) wilfully obstructing the free passage of any Footway or Highway. Obstructions.

Penalty for damaging Bridge in digging Materials, *sec. 57*. Matters laid upon Highway a Nuisance. *sec. 73*. Cattle straying on Highways, *secs. 74, 75*. Name, etc., to be on Waggon, *secs. 76-79*. Act not to extend to Roads and Bridges under Local Acts, *sec. 113*; also—

Towns Police Clauses Act, 1847, p. 159. Laying Sand, etc., in time of Frost, or litter to prevent the freezing of Water Pipes or deaden sound in case of illness, exempted from Penalty, *sec. 28*.

P. H. Act, 1875, p. 1. Damaging Pavements, Fences, Trees, etc., in U. District, *sec. 149*.

P. H. A. Amendt. Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, *sec. 27*. Repair of Cellars, etc., under Streets in U. District, *sec. 35*.

Barbed Wire Act, 1893, p. 173. Removal of Barbed Wire where Nuisance to Highway.

See also *Sec. 69*, and References thereto.

73. Matters laid upon Highways so as to be a Nuisance to be removed.

Should any Timber, Stone, Hay, Straw, Manure, Rubbish, or other matter or thing laid upon any Highway^a so as to be a Nuisance not be forthwith removed after Notice from the Surveyor, he may on a

^a Definition, *sec. 5, p. 438*.

Sec. 73. Justice's Order remove and sell the same (the proceeds going to the repair of the Highways) and if not of sufficient value to defray expenses the difference may be recovered.

See previous Section, and References thereto.

74. Surveyor to impound Cattle found straying on Highways.
(*Repealed by Sec. 25, Highway Act, 1864, p. 472.*)

Nuisances on Highways, secs. 72, 73. Punishing Persons guilty of pound-breach, sec. 75.

75. Punishing Persons guilty of Pound-breach (*Sec. 74*).

76. Owner's name and residence to be on Waggon, etc.
Penalty 40s. for default.

Nuisances on Highways, secs. 72, 73. As to Driver of Waggon, secs. 77, 78. Power of Surveyor to secure unknown Offenders, sec. 79. Also Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26.

77, 78. As to Driver of Waggon, etc.

See previous Section, and References thereto.

79. Power of Surveyor^a to secure unknown Offenders.

See sec. 76, and References thereto.

WIDTH OF CARTWAYS, GATEWAYS, ETC. (SECS. 80, 81).

80. Width of Cartways, Horseways, and Footways.*

Surveyor^a to make and maintain every public—

(a) Cartway leading to any Market Town, 20 ft. wide;

(b) Horseway, 8 ft. wide;

(c) Footway by side of Carriageway, 3 ft. wide, if the ground between the Fences will admit thereof;

Provided that the Surveyor shall not be required to make any Footway without consent of Vestry.

Penalty on Surveyor for neglect of duty, sec. 20. Direction Posts, where and how to be fixed, sec. 24. Temporary Road during repair, etc., of Highway, sec. 25. Removal of Snow, fallen Banks, etc., sec. 26. Repair of Highways lying in two Parishes, secs. 58-61. Hedges, Trees, Ditches, etc., affecting Highways, secs. 64-68. Encroachment with Building, Hedge, etc., sec. 69. Width of Gateways, sec. 81. Widening Highways, secs. 82, 83. Stopping up and diverting Highways, secs. 84-93. Highways out of repair, secs. 94-96. Act not to extend to Roads under Local Acts, sec. 113; also—

Highway Act, 1862, p. 461. Highway out of repair in Highway District, secs. 18, 19. Highway, repairable *ratione tenuræ*, out of repair, sec. 34.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highway, sec. 21. Power of Highway Bd. to make Improvements, secs. 47-49. Encroachments on Highways, sec. 51. Power to purchase Land for improvement of Highway, sec. 53.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Recovery of

^a Definition, sec. 5, p. 438.

* As to Encroachments on Disturnpiked Roads, see Note to sec. 69, p. 447.

expense due to extraordinary Traffic, sec. 23. Discontinuance of maintenance of unnecessary Highway, sec. 24. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26.

Highway Rate Assesst. and Expend. Act, 1882, p. 486. Power to fix Mile Stones, and fence Highways, sec. 6.

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc.

Local Government Act, 1888, p. 367. Maintenance of Main Roads by County Council, sec. 11.

Towns Impt. Clauses Act, 1847, p. 149. Improving the line of Streets and removing Obstructions, secs. 66-74.

P. H. Act, 1875, p. 1. Power to purchase Premises for improvement of Streets in Urban Districts, sec. 154. Power to regulate line of Buildings, sec. 155. Power to make Byelaws as to the level, width, etc., of New Streets, sec. 157 (Byelaws, p. 522).

P. H. (Building in Streets) Act, 1888, p. 96. Buildings not to be brought forward in Urban D., sec. 3.

81. Width of Gateways across public Cartways and Horseways.

Daily Penalty 10s. for neglecting for 21 days after written Notice from Surveyor^a to remove or alter any Gateway across any Public Cartway or Public Horseway constructed of a less width than 10 ft. and 5 ft. respectively between the Posts.

Width of Cartways, Horseways, and Footways, sec. 80. Recovery of Penalties, sec. 103. Act not to extend to Roads under Local Acts, sec. 113; also—

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to make Byelaws as to gates across, or opening on to, any Highway, sec. 26 (4).

Highway Amendt. Act, 1839, p. 458. Railway Co. to erect gates where crossing Highways, sec. 1.

Towns Impt. Clauses Act, 1847, p. 149. Gates, etc., opening outwards on Streets in Urban District, secs. 69-72.

WIDENING HIGHWAYS (Secs. 82, 83).

82. Widening Highways.

(1) Justices, upon view, may Order narrow Highways^a to be Widened, provided that width, when widened, shall not exceed 30 ft., and that no Building be pulled down, or the ground of any Garden, Yard, Park, Plantation, enclosed Building ground, Nursery for Trees, etc., be taken.

(2) Surveyor^a under direction of Justices, shall agree with interested Parties as to compensation to be made in respect of the ground to be taken; failing Agreement or acceptance of Surveyor's offer, such Compensation to be settled by a Jury.

(3) Widened part of Highway shall become a Public Highway, but Saving for the Owner of the ground shall retain all Mines, etc., under same which can be got without breaking the surface of the Highway, as also all Timber and Wood thereon.

(4) Should there not be sufficient money in the hands of the Surveyor to pay for Widening, Justices may order further Rate to be made. Cost, how to be defrayed.

Cost of proceedings, by whom payable, sec. 83. Temporary Road during

^a Definition, sec. 5, p. 438.

Sec. 82. Widening, sec. 25. Width of Cartways, Horseways, and Footways, sec. 80. Provisions as to widening to extend to Highways repairable *ratione tenuræ*, sec. 93; also—

Highway Act, 1862, p. 461. Provisions as to widening to extend, with certain exceptions, to Roads under Local Acts, sec. 44.

Highway Act, 1864, p. 469. Power of Highway Bd. to make Improvements, secs. 47-49. Power to purchase Land for Improvement of Highway, sec. 53.

Local Government Act, 1888, p. 367. County Council to bear cost of maintenance of Main Roads and of reasonable Improvement, sec. 11 (2). C. C. may contribute towards maintenance, improvement, etc., of Highways, sec. 11 (10).

Towns Impt. Clauses Act, 1847, p. 149. Improving the line of Streets and removing obstructions, secs. 66-74.

P. H. Act, 1875, p. 1. Power of U. A. to purchase Premises for improvement of Streets, sec. 154. Power of U. A. to regulate line of Buildings, sec. 155. Power of U. A. to make Byelaws as to the level, width, etc., of New Streets, sec. 157.

P. H. (Building in Streets) Act, 1888, p. 96. Buildings not to be brought forward in Urban Districts, sec. 3.

83. Cost of Proceedings, by whom payable.

Should the award of the Jury be greater than the Compensation offered by the Surveyor (*sec. 82 (2)*) the costs shall be paid by the Surveyor, or if less, by the Party refusing the Compensation offered.

STOPPING UP AND DIVERTING HIGHWAYS (SECS. 84-93).

84. Surveyor to request Justices to view Highway proposed to be Stopped up, or Diverted. (*See Local Govt. Act, 1894, Sec. 13 (p. 396), as to consent of Parish C., etc., being required.*)

(1) When the Vestry deem it expedient that any Highway^a should be Stopped up, or Diverted (either entirely, or reserving a Bridleway or Footway along the whole or part thereof), the Chairman shall, by written Order, direct the Surveyor^a to apply to two Justices to view the same.

(2) Any other Party so desiring, shall by written Notice, require the Surveyor to give Notice to the Churchwardens to call a Vestry, when, should the Vestry agree to the proposal, the Surveyor shall apply to the Justices to view as before, the expenses attending such view, Stopping up, etc., being paid to the Surveyor by the Party making the application, and may be recovered as Forfeitures (*sec. 103*).

Proceedings for stopping up and diverting Highways, sec. 85. As to stopping up, etc., more than one Highway, secs. 86, 87. Appeal against certificate to stop up, etc., secs. 88-90. Order of Court to divert, etc., sec. 91. Repair of new Highway, sec. 92.

Provisions as to stopping up and diverting Highways to extend to Highways repairable *ratione tenuræ*, sec. 93.

Highway Act, 1862, p. 461. Provisions as to stopping up and diverting Highways to extend, with certain exceptions, to Roads under Local Acts, sec. 44.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highways, sec. 21. Power of Highway Bd. to make Improvements, secs. 47-49.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power to reduce Main Road to status of ordinary Highway, sec. 16. Discontinuance of maintenance of unnecessary Highway, sec. 24.

^a Definition, sec. 5, p. 438.

Applica-
tion by
private in-
dividual.
Expense,
how de-
frayed.

Railway Clauses Consolidation Act, 1845, p. 502. Power of Railway Co. to Sec. 84. divert, etc., Roads, secs. 16 (b), 53.

Local Government Act, 1888, p. 367. County Council may contribute towards maintenance, improvement, etc., of Highways, sec. 11 (10).

85. Proceedings for Stopping up, and Diverting Highways.

Where it appears upon such view of such two Justices (*sec. 84*) that any Public Highway^a—

(a) may be diverted (either entirely or subject as aforesaid, *sec. 84*) so as to make the same nearer or more commodious to the Public, and the Owner^a of the Land through which the New Highway is proposed to be made consents in writing; or

(b) is Unnecessary;

such Justices shall direct the Surveyor^a to

(c) affix a Notice (Form 19, Schedule of Act) at each end of the proposed Diversion, or Stopping up; Notices.

(d) insert such Notice, for 4 successive weeks following such view, in a Newspaper circulating in the County;

(e) affix such Notice, for 4 successive Sundays following such view, on the Door of the Church of every Parish^a in which such Highway shall lie;

The Justices on proof of the publication of such Notice, and on receipt of a Plan (verified by a competent Surveyor) showing the Old and proposed New Highway, shall certify—

(f) the fact of their having viewed the said Highway;

(g) that the proposed New Highway is nearer or more commodious to the Public, if nearer stating the distance, or if more commodious, the reasons why;

or, if the Highway is proposed to be Stopped up as Unnecessary, either entirely, or subject as aforesaid (*sec. 84*), then shall certify—

(h) the reason why it is Unnecessary.

Such Certificate, together with the Proof and Plan, shall be lodged with the Clerk of the Peace * * * and be open to inspection (copies being obtained at 6*d.* per folio and reasonable price for Plan) at any time previous to the Quarter Sessions. Certificate, etc., to be open to inspection.

Appeal against Certificate to stop up, etc., secs. 88-90. Order of Court to divert, etc., sec. 91.

See also previous Section, and References thereto.

86. Highways connected together may be included in one Certificate.

Highways^a so connected together as that they cannot be separately Stopped up or Diverted without interfering one with the other may be included in one Certificate.

Appeal, sec. 87.

See also sec. 84, and References thereto.

^a Definition, sec. 5, p. 438.

87. In case of Appeal against Diverting more than one Highway^a (*sec.* 86), Court may confirm Certificate wholly or in part.

88. Persons aggrieved may Appeal against Certificate to stop up or Divert Highway.

Any Person aggrieved by any such Certificate (*secs.* 85, 86) may Appeal to Quarter Sessions upon giving Surveyor^a 10 days' written Notice thereof, together with a statement of the grounds of Appeal, and the Surveyor shall deliver, within 48 hrs., a Copy of the same to the Party (if any) by whom he was required to apply to Justices (*sec.* 84 (2)).

Appeal against Certificate to divert, etc., *secs.* 89, 90.
See also *sec.* 84, and References thereto.

89. Appeal against Certificate to Stop up or Divert Highway.
In case of Appeal, jury shall determine whether—

- (a) the proposed New Highway is nearer or more commodious to the Public; or
- (b) the public Highway intended to be Stopped up, either entirely or subject as aforesaid (*sec.* 84) is Unnecessary; or
- (c) Appellant would be injured or aggrieved.

Certificate to divert, etc., Highway, *secs.* 85, 86.
See also *sec.* 84, and References thereto.

90. Court may Order costs of Appeal to be paid by Surveyor, or other Party at whose instance the Application to Stop up or Divert was made (*sec.* 84 (2)).

91. Order of Court to Stop up or Divert Highway.

If no appeal be made, or if dismissed, the Court shall make an Order—

- (a) to Stop up such Unnecessary Highway either entirely or subject as aforesaid (*sec.* 84 (2)); or
- (b) to Divert and Stop up such Old Highway (either entirely or subject as aforesaid, *sec.* 84), and to purchase the ground for such New Highway,

by such means and subject to such exceptions and conditions as mentioned in respect to Highways to be Widened (*secs.* 82, 83).

New Highway.

The New Highway shall afterwards continue a public Highway, but no Diverted Highway shall be Stopped up until the New Highway shall be completed and put into good condition and repair and so certified by two Justices upon view.

Repair of new Highway, *sec.* 92. ~~~228~~
See also *sec.* 84, and References thereto.

92. The Parish or other Party liable to repair old Highway

^a Definition, *sec.* 5, p. 438.

shall repair New Highway (*sec.* 91) without regard to its Sec. 92. parochial locality.

93. Provisions as to Widening, etc., of Highways to extend to Highways repairable *ratione tenuræ*.

The provisions as to Widening, Diverting, or Stopping up Highways (*secs.* 82-92) shall apply to all Highways repairable by reason of any Grant, Tenure, Limitation, Appointment of any charitable gift, or otherwise howsoever. When such Highways^a are so widened, etc., the same shall and may by Order of Justices be repaired by the Parish.

Provided that Justices, upon view, shall fix an Annual Payment, or Capital Sum, to be paid to the Surveyor^a in respect of such Repairs. Such payment may be recovered as Penalties (*sec.* 103).

Compensation for Repairs.

Widening Highways, *secs.* 82, 83. Stopping up and diverting Highways, *secs.* 84-92.

HIGHWAYS OUT OF REPAIR (SECS. 94-96).

94. Mode of proceeding before Justices if Highway is out of Repair.

On credible information that any Highway^a is out of Repair, Justices shall either appoint a competent Person to Report on, or two of their number shall personally inspect the same. If satisfied by such Report, or by their inspection, that the said Highway is not in thorough and effectual Repair they shall impose a *Penalty of £5* on the Surveyor^a or other Person liable for Repairs, and shall make an Order fixing a time within which Repairs shall be effectually made.

Penalty on Surveyor.

In default, the Offender shall pay to some Person to be named and Appointed in a 2nd Order, such sum (recoverable under *Sec.* 96) as the Justices shall judge requisite for the Repair of such Highway.

As to Turnpike Roads * * * * *

Justices shall not make any Order when obligation to Repair is disputed (*sec.* 95).

Mode of proceeding if liability to repair is disputed, *sec.* 95. Penalties how to be levied and applied, *sec.* 96. Temporary Road during repair of Highway, *sec.* 25; also—

Highway Act, 1862, p. 461. Highway out of repair in Highway District, *secs.* 18, 19. Highway, repairable *ratione tenuræ*, out of repair, *sec.* 34.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highway, *sec.* 21.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., *sec.* 10. Recovery of expenses due to extraordinary Traffic on Highway, *sec.* 23. Discontinuance of maintenance of unnecessary Highways, *sec.* 24. Power of County A. to make Byelaws as to the width of Wheels of Waggon, etc., and as to the locking of Wheels, *sec.* 26.

Towns Impt. Clauses Act, 1847, p. 149. Precautions during the construction and repair of Streets, etc., in Urban Districts, *secs.* 79-83.

^a Definition, *sec.* 5, p. 438.

* As to Turnpike Roads, *sec.* 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto (p. 479).

- Sec. 94. P. H. A. Amendt. Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, sec. 27.
 Local Govt. Act, 1888, p. 367. Power of County Council as to Main Road out of Repair, sec. 11 (8).
 Local Govt. Act, 1894. Complaint by Parish C. of default of District C. to maintain Highways in proper repair, sec. 16, p. 397.
 Waterworks Clauses Act, 1847, secs. 28-34, 52, p. 200.
 Gasworks Clauses Act, 1847, secs. 6-12, p. 223.
 Tramway Act, 1870, secs. 26-29, p. 420.
 Electric Lighting Act, 1882, secs. 12, 13, p. 260.
 „ Prov. Order, secs. 9-12, p. 282.
 Railway Clauses Consolidation Act, 1845, secs. 52-58, 66, p. 508.
 Local Government Act, 1888, sec. 11 (12), p. 375.

Breaking up and
 repair of Streets,
 etc.

95. Mode of proceeding by Justices if obligation to Repair is disputed.

See sec. 94, and References thereto.

96. Penalties, etc., for non-repair of Highway, how to be levied and applied.

See sec. 94, and References thereto.

LEGAL PROCEEDINGS (Secs. 97-111).

* * * * *

103. Recovery of Penalties, Forfeitures, Costs, Charges, etc.

Limitation of Actions, sec. 109.

* * * * *

109. Limitation of Actions.

Action shall not be commenced—

- (a) until 21 days' written Notice has been given to Justice, Surveyor,^a or Person against whom Action is to be brought; or—
- (b) after sufficient satisfaction has been rendered to the aggrieved Party; or—
- (c) after 3 months from Commission of the Offence.

* * * * *

SAVINGS, ETC. (Secs. 112-120).

* * * * *

113. Act not to extend to Turnpike Roads,* or Roads under Local Acts.

This Act shall not apply to Turnpike Roads* (except where expressly mentioned) or to any Roads, Bridges, Carriageways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, or Pave-

^a Definition, sec. 5, p. 438.

* As to Turnpike Roads, see sec. 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto (p. 479.)

ments now or hereafter paved, repaired, cleansed, broken up, or diverted under Local or Personal Acts.

Highway Act, 1862, p. 461. Provisions as to Widening, stopping up, etc., Highways, to extend, with certain exceptions, to Roads under Local Acts, sec. 44.

114. Act not to affect the Universities.

* * * * *

117. Act not to affect powers of Commissioners of Sewers.

* * * * *

SCHEDULE.

Forms to which this Act refers.

* * * * *

HIGHWAY AMENDMENT ACT, 1839.

(2 & 3 VICT., CAP. 45.)

Amending Sec. 71, Highway Act, 1835.

1. Railway Company to erect Gates, etc., where crossing Highways, etc.

Wherever a Railroad crosses any Turnpike Road,* Highway, or Statute Labour Road for Carts, etc., the Company shall make and maintain Gates across each end of such Turnpike Road, and employ Persons to open and shut the same.

Daily Penalty £5 for any neglect in respect of the said Gates.

Highway Act, 1835, p. 436. Width of Gateways across Public Cartways and Horseways, sec. 81.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to make Byelaws as to Gates across, or opening outwards on any Highway, sec. 26.

Towns Impt. Clauses Act, 1847, p. 149. Gates, etc., opening outwards on Streets in Urban District, secs. 69-72.

Railway Clauses Consolidation Act, 1845, p. 502. Railway Co. to erect, etc., Gates at Level Crossings, sec. 47. Level Crossings, secs. 46-48, 59-62.

Railway Clauses Act, 1863, p. 513. Level Crossings, secs. 5-9.

2. Recovery of Penalties (*see Highway Act, 1835, sec. 103, p. 456*).

* As to Turnpike Roads, see sec. 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto (p. 479).

HIGHWAY AMENDMENT ACT, 1841.

(4 & 5 VICT., CAP. 51.)

Amending Sec. 6, General Turnpike Act, 1822,*
and Sec. 53, Highway Act, 1835.

Definition of Enclosed Lands or Grounds.

The above Sections are amended as follows—

All Lands or Grounds in the exclusive occupation of one or more Persons for Agricultural purposes shall be deemed to be *enclosed Lands or Grounds* within the meaning of the above Acts, although not separated from adjoining Lands or Grounds of other Persons, or from the Highway, by a Fence or other inclosure.

Highway Act, 1835. Notice to be given before obtaining Materials from enclosed Lands, sec. 53, p. 443.

* As to Turnpike Roads, see sec. 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto (p. 479).

HIGHWAY AMENDMENT ACT, 1845.

(8 & 9 VICT., CAP. 71.)

Extending Sec. 48, Highway Act, 1835.

Sale of Waste Lands.

This Act extends, Sec. 48, Highway Act, 1835, so as to authorize the sale of any Lands * belonging, or which may hereafter belong, to Parishes, or to the Surveyor (as such) for the purpose of obtaining Materials for Highway repairs, the Materials in which have been exhausted.

Highway Act, 1835. Waste Lands allotted to Parish for obtaining Materials, when exhausted, may be sold, sec. 48, p. 443.

* Under the Sale of Exhausted Parish Lands Act, 1876, sec. 1, Lands allotted for repair, not only of Highways, but also for repair of Private Roads and certain other purposes, may be sold when exhausted.

HIGHWAY ACT, 1862.

ARRANGEMENT OF SECTIONS.

SECTION

- 2-4. Definitions.
- 5-8. FORMATION OF HIGHWAY DISTRICTS.
- 9-11. CONSTITUTION OF HIGHWAY BOARD.
- 12-16. APPOINTMENT OF OFFICERS.

WORKS AND DUTIES OF HIGHWAY BOARD (Secs. 17-19).

- 17. Highway Board to maintain Highways in good Repair.
- 18, 19. Highway out of Repair.

20-31. EXPENSES AND ACCOUNTS.

SUPPLEMENTAL PROVISIONS (Secs. 32-41).

- | | | | | | | |
|-----|----------|-------------|-------------------------|-------------|---------------|------------------|
| * | * | * | * | * | * | * |
| 34. | Highway | repairable, | <i>ratione tenuræ</i> , | out of | Repair. | |
| 35. | Highway | repairable, | <i>ratione tenuræ</i> , | may be made | repairable by | Parish. |
| 36. | Power | to dedicate | Private Road, | etc., in | return for | the use thereof. |
| 37. | Surveyor | of Highway | Board | exempted | from | Turnpike Tolls. |

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|

APPLICATION OF HIGHWAY ACT, 1835 (Secs. 42-47).

- | | | | | | | |
|-----|-------------|---------------|--------------|---------|-----------|---------------------|
| 42. | Application | of Highway | Act, 1835. | | | |
| * | * | * | * | * | * | * |
| 44. | Widening, | Diverting, | and Stopping | up | Highways. | |
| * | * | * | * | * | * | * |
| 46. | Landowners | may erect | Fences | without | incurring | liability to repair |
| | | | | | | Highway. |
| 47. | Recovery | of Penalties. | | | | |

HIGHWAY ACT, 1862.*

(25 & 26 VICT., CAP. 61.)

An Act for the better management of Highways in England.

NOTE.—APPLICABLE TO HIGHWAY BOARDS.†

| | | | |
|---|--------------------|------------------------|--------------------|
| | | | only to the extent |
| „ | „ | SURVEYORS,† | provided by |
| „ | URBAN AUTHORITIES, | | Secs. 32, 33, and |
| | | | 43 to 46. |
| „ | COUNTY COUNCILS, | with respect to Main | |
| | | Roads, to the extent | |
| | | provided by Sec. 11, | |
| | | Local Govt. Act, 1888, | |
| | | p. 371. | |

2-4. Definitions.

| Expression. | Definition. |
|--|---|
| * * “Parish” . . . “Highway District” } “Highway Board” . } | * * * * * includes any place maintaining its own Highways. refer only to Highway Districts and Highway Boards constituted in pursuance of this Act. * * * * * |

CONSTITUTION OF HIGHWAY DISTRICTS AND HIGHWAY BOARDS † (Secs. 5-11.)

APPOINTMENT OF OFFICERS TO HIGHWAY BOARD † (Secs. 12-16).

* This Act provides for the formation of Highway Districts, and is to be construed as one with the Highway Act, 1835, with certain reservations (sec. 42, p. 466.)

† As to transfer of powers of Highway A. to Rural District C., see Local Govt. Act, 1894, sec. 25, p. 401. This Transfer will render these Sections (5-16) in-operative.

WORKS AND DUTIES OF HIGHWAY BOARD (SECS. 17-19).

17. Highway Board to maintain Highways in good Repair.

Highway Bd.^a shall maintain their Highways^b in good repair, and shall (subject to the provisions of this Act) as respects the Highways in each Parish^a within their District, have the same power, duties and liabilities as the Surveyor^b of such Parish would have had if this Act had not passed.

The District Surveyor shall submit to the Board at their 1st Meeting in each year an Estimate of the expense of maintaining the Highways in each Parish in the Highway District^a for the ensuing year. Copy of such Estimate as approved or modified by the Board (as far as it relates to each Parish) to be delivered to the Waywarden of such Parish.

Estimate
of annual
cost of
mainten-
ance.

Highway out of Repair, secs. 18, 19. Highway, repairable *ratione tenuræ*, out of Repair, sec. 34. Highway repairable *ratione tenuræ*, may be made repairable by Parish, sec. 35. Power to dedicate Private Roads in return for the use thereof, sec. 36. Highway Act, 1835, how to apply to Highway Districts, sec. 42; also—Highway Act, 1835, p. 436. Repair of Highways over new County Bridges, sec. 21. Dedication of New Highways, sec. 23. Direction Posts, etc., where and how to be fixed, sec. 24. Temporary Road during repair, etc., of Highway, sec. 25. Removal of Snow, fallen Banks, etc., sec. 26. Power for obtaining Materials for Highway repairs, secs. 47-54. Gravel Pits to be Fenced, sec. 55. Penalty for allowing heap of Stones, etc., on Highway at night, unprotected, sec. 56. Penalty for damaging Bridge, Building, etc., in digging Materials, sec. 57. As to repair of Highways lying in two Parishes, secs. 58-61. Hedges, Trees, and Ditches affecting Highways, secs. 64-68. Encroachments on Highways, sec. 69. Pits, Shafts, Engines, etc., to be certain distance from Highway, sec. 70. Nuisances, etc., on Highways, secs. 72-79. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81. Widening, stopping up and diverting Highways, secs. 82-93.

Highway Amendt. Act, 1839, p. 458. Railway Company to erect Gates where crossing Highways, sec. 1.

Highway Act, 1864, p. 469. Power of Waywarden to Contract for Materials, etc., sec. 20. Discontinuance of maintenance of unnecessary Highways, sec. 21. Power to Contract for repair of Highways, sec. 22. Service of Notices by Highway Bd., sec. 26. Expenses, Accounts, etc., of Highway Bd., secs. 32-44. Power of Highway Bd. to make Improvements, secs. 47-49. Encroachments on Highways, sec. 51. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52. Power to purchase Lands for improvement of Highway, sec. 53.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Expenses and Borrowed Moneys of Highway Bd. to be paid out of District Fund, secs. 7, 8. Audit of Accounts, sec. 9. Power of County A. to enforce performance of duty by defaulting Highway Bd., sec. 10. Main Roads, secs. 13-20. Recovery of expense due to extraordinary Traffic on Highways, sec. 23. Discontinuance of maintenance of unnecessary Highways, sec. 24. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of same, sec. 26.

Highway Rate Assessment and Expenditure Act, 1882, p. 486. Power to fix Mile Stones, and fence Highways, sec. 6.

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc.

Local Government Act, 1888, p. 367. Main Roads, and Bridges carrying Main Roads, if repairable by the Highway A., to be maintained by County Council, sec. 11. Highway Bd. to undertake maintenance of Main Roads, if required by C. C., sec. 11 (4). Power of C. C. as to Main Roads out of Repair, sec. 11 (8).

^a Definition, secs. 2-4, p. 462.

^b Definition, sec. 5, p. 438.

Sec. 17. C. C. may contribute towards maintenance, and improvement of Main Roads, sec. 11 (10). Lighting of Main Roads, sec. 11 (11). Breaking up of Main Roads, sec. 11 (12).

18. Highway out of Repair.

On complaint to Justice that any Highway ^b is out of Repair, Justice shall summon Highway Board ^a and Waywarden of Parish liable for such Repairs to appear before Justices, when, unless the—

(a) Highway Bd. undertakes to Repair to their satisfaction; or

(b) Waywarden denies liability of Parish to Repair,

Justices
to inspect.

Justices shall either appoint a competent Person to Report on, or two of their number shall personally inspect, same.

If satisfied by such Report, or by their inspection that the said Highway is not in a state of complete Repair, they shall make an Order limiting a time for the Repair. In default of such Repair, Justices shall appoint some Person to Repair such Highway, and by Order direct that the Expenses of Repair (together with reasonable remuneration to the Person appointed, and costs of proceedings) be paid by the Highway Board.

Mode of proceeding if liability to repair is disputed, sec. 19. Highways, repairable *ratione tenuræ*, out of repair, sec. 34; also—

Highway Act, 1835, p. 436. Repair of Highways over new County Bridges, sec. 21. Temporary Road during Repairs, sec. 25. Removal of Snow, fallen Banks, etc., sec. 26. Power for obtaining Materials for Highway repairs, secs. 47–54. As to repair of Highways lying in two Parishes, secs. 58–61. Hedges, Trees, and Ditches affecting Highways, secs. 64–68. Encroachments on Highways, sec. 69. Nuisances, etc., on Highways, secs. 72–79. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81. Widening, stopping up, and diverting Highways, secs. 82–93. Highway out of repair in Highway Parish, secs. 94–96.

Highway Act, 1864, p. 469. Power of Waywarden to Contract for Materials, etc., sec. 20. Discontinuance of maintenance of unnecessary Highway, sec. 21. Power to Contract for repairs to Highways, sec. 22. Power of Highway Bd. to make Improvements, secs. 47–49. Encroachments on Highways, sec. 51. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10. Main Roads, secs. 13–20. Recovery of expense due to extraordinary Traffic on Highway, sec. 23. Discontinuance of maintenance of unnecessary Highways, sec. 24. Power of County A. to make Byelaws as to width of Wheels of Waggons, etc., and as to locking of Wheels, sec. 26.

Highway Act Amendt. Act, 1885, p. 487. Power to prune Hedges, etc.

Local Government Act, 1888, p. 367. Main Roads and Bridges carrying Main Roads to be repaired by County Council, sec. 11. Power of C. C. as to Main Road out of Repair, sec. 11 (8). Breaking up of Main Roads, sec. 11 (12).

Towns Impt. Clauses Act, 1847, p. 149. Precautions during the construction and repairs of Streets, etc., in Urban Districts, secs. 79–83.

P. H. A. Amendt. Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, sec. 27.

P. H. Act, 1875, p. 1, secs. 16, 32, 54,

Waterworks Clauses Act, 1847, secs. 28–34, 52, p. 200,

Gasworks Clauses Act, 1847, secs. 6–12, p. 223,

Tramway Act, 1870, secs. 26–29, p. 420,

Electric Lighting Act, 1882, secs. 12, 13, p. 260,

Provisional Order, secs. 9, 12, p. 282,

Railway Clauses Consolidation Act, 1845, secs. 52–58, 66, p. 508, /

} Breaking up
and repair
of Streets.

^b Definition, sec. 5, p. 438.

^a Definition, secs. 2–4, p. 462.

19. Mode of proceeding by Justices when Obligation to repair is disputed.

See previous Section, and References thereto.

EXPENSES AND ACCOUNTS (Secs. 20-31.)

| SECS. | | | | | |
|-------------|--|--------------------------------------|---|---|-----------|
| 20-24. | Repealed by Sec. 32, Highway Act, 1864 | (p. 472). | | | |
| 25, 26, 30. | " | 36 | " | " | (p. 472). |
| 27-29. | " | Highways Accounts Returns Act, 1879. | | | |

31. Officers to account to Highway Board ^a when required.

SUPPLEMENTAL PROVISIONS (Secs. 32-41).

* * * * *

34. Highway repairable *ratione tenuræ*, out of repair.

Where Highways ^b liable to repair by reason of tenure of Land or otherwise shall be deemed by the Highway Act, 1835 * to be out of repair, Highway Board ^a may direct Surveyor to repair, and may recover the expense of such Repair.

Local Govt. Act, 1894. Power of Rural District C. as to Highways repairable *ratione tenuræ*, sec. 25 (2), p. 401; also see sec. 18, and References thereto, p. 464.

35. Highways repairable *ratione tenuræ* may be made repairable by Parish. (*Extended by Sec. 24, Highway Act, 1864, p. 472*).

Any Party liable by reason of tenure of Land or otherwise, to repair any highway ^b situate in a Highway District ^a may apply to a Justice for the purpose of making the same a Parish Highway, when such Justice shall summon such Party, also the Waywarden and District Surveyor, to appear before two Justices. Such Justices may then, if they think fit, by Order declare such Highway a Parish Highway, and fix a capital sum to be paid by such Person to the Highway Bd. in full discharge of all claims in respect of Repairs. Compensation for Repair.

Provided that any Person aggrieved may Appeal to a Court of Appeal. General or Quarter Sessions within 4 months from the date of such Order. * * * * *

Highways, repairable *ratione tenuræ*, out of repair, sec. 34. Power to dedicate Private Streets in return for the use thereof, sec. 36; also—

Highway Act, 1835, p. 436. Dedication of new Highway, sec. 23. Highway, repairable *ratione tenuræ*, may be repaired by Highway Parish, sec. 62. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81. Widening, stopping up, and diverting Highways, secs. 82-93.

Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary Highways, sec. 21. Power to Contract for Repairs of Highways, sec. 22. Power to Contract for Materials and maintenance of Highways, sec. 52.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway Bd., sec. 10. Recovery of

^a Definition, secs. 2-4, p. 462.

^b Definition, sec. 5, p. 438.

* Amended by Sec. 23, Highway Act, 1864, so as to read Highway Act, 1862.

See. 35. expenses due to extraordinary Traffic on Highway, sec. 23. Discontinuance of maintenance of unnecessary Highways, sec. 24.

P. H. Act, 1875, p. 1. Power of U. A. to agree as to making of new public Roads, sec. 146. Power of U. A. to agree as to maintenance, cleansing, and watering of Roads, etc., sec. 148.

P. H. A. Amendment Act, 1890, p. 97. Power of U. A. to cleanse Common Courts and Passages, sec. 27.

36. Power to dedicate Private Road, etc., in return for the use thereof.

District Surveyor may at request of Vestry, and with the written consent of every Owner and Occupier, apply to Justices to declare any Driftway, Private Carriage or Occupation Road a dedicated Highway,^b in return for the use thereof.

See previous Section, and References thereto.

37. Surveyor of Highway Bd.^a exempted from Turnpike Tolls.*

* * * * *

APPLICATION OF HIGHWAY ACT, 1835 (Secs. 42-47).

42. Application of Highway Act, 1835.

This Act shall be construed as one with the Highway Act, 1835 (so far as is consistent with the provisions of this Act) with the following reservations:—

- (1) Secs. 9, 10, 13 to 19 and 35 shall not apply to any Parish^a within any District^a formed under this Act.
- (2) Secs. 39, 40, 43, 44, 45, shall not apply to a Highway Board^a of any District^a formed under this Act.
- (3) The Penalty imposed by Sec. 20 on the Highway Surveyor^b for neglect of duty shall not apply to a Highway Bd.^a under this Act.

Highway Act, 1864.—See. 46, Highway Act, 1835, as to Contracts, not to apply to Highway Bd., sec. 20, p. 470.

44. Widening, Diverting, and Stopping up, Highways.

Provisions of Highway Act, 1835, as to Widening, Diverting, and Stopping up Highway (secs. 82-93, p. 451) to apply to all Highways^b repaired, etc., under Local or Personal Acts, except Highways belonging to Railway, Canal, River, or Inland Navigation Authorities.

Loc. Govt. Act, 1894, p. 389. Stopping up, and Diversion, etc., of Highways, sec. 13. Rights of Way, etc., sec. 26.

* * * * *

46. Highway Bd.^a Surveyor^b or other Highway Authority may permit Landowners to erect Fences without incurring liability to repair Highway.^b

Highway Rate Assessment and Expenditure Act, 1882, p. 486. Power to fence Highways. See also Reference thereto.

47. Recovery of Penalties.

^a Definition, sees. 2-4, p. 462.

^b Definition, sec. 5, p. 438.

* As to Turnpike Roads, see Sec. 13, Highway and Local (Amend.) Act, 1878, and Note thereto, p. 479.

SCHEDULE.

Proceedings of Highway Board. (*Repealed by Sec. 27, Highway Act, 1864, p. 472.*)

L. G. Act, 1894. Transfer of powers of Highway Bd. to Rural District C. sec. 25, p. 401.

FORMS A AND B.

*

*

*

*

*

*

*

HIGHWAY ACT, 1863.*

(26 & 27 VICT., CAP. 61.)

An Act to prevent Waywardens contracting for Works within their own District.

1. Penalty £10 on Waywarden contracting for repair of Road or any Work to be executed under Highway Act, 1862, within his own district.

Highway Act, 1864, p. 469. Power of Waywarden to Contract for Materials, sec. 20. Power of Highway Bd. to Contract for repair of Highways, sec. 22. Power of Highway Bd. to Contract for Materials and repair of Highways, sec. 52.

Highway Act, 1835, p. 436. Power for obtaining Materials for Highway Repairs, secs. 47-54.

2. Highway Board^a not liable to pay for any Work so contracted for (*sec. 1*).

*3. This Act to be as part of Highway Act, 1862 (*p. 461*).

^a Definition, secs. 2-4, p. 462.

HIGHWAY ACT, 1864.

ARRANGEMENT OF SECTIONS.

SECTION

2. Application of Act.
* * * * *
20. Waywarden may Contract for Supply and Cartage of Materials.
21. Discontinuance of maintenance of Unnecessary Highways.
22. Power to Contract for Repair of Highways, etc.
23. Amendment of Sec. 34, Highway Act, 1862, as to Highways out of Repair.
24. Amendment of Sec. 34, Highway Act, 1862, as to Highways repairable *ratione tenuræ*.
25. Cattle straying on Highways.
26. Service of Notices by Highway Bd.
27. Proceedings of Highway Bd.
* * * * *
- 32-35. EXPENSES OF HIGHWAY BOARD.
36-44. ACCOUNTS OF HIGHWAY BOARD.

SUPPLEMENTAL PROVISIONS (Secs. 45-53).

- * * * * *
46. Justices in Petty Sessions may exercise any jurisdiction which they are authorized to exercise in Special Sessions.
47-49. Power of Highway Bd. to make Improvements.
* * * * *
51. Encroachments on Highways.
52. Power of Highway Bd. to Contract for Materials and maintenance of Highways.
53. Power to purchase Lands.

HIGHWAY ACT, 1864.

(27 & 28 VICT., CAP. 101.)

An Act to amend the Highway Act, 1862.

NOTE.—APPLICABLE TO HIGHWAY BOARDS,*

| | | |
|---|---------------------|--|
| „ | HIGHWAY SURVEYORS,* | { only to the extent provided by Secs. 25, 28, 46, 49, 51. |
| „ | URBAN AUTHORITIES, | |
| „ | COUNTY COUNCILS, | with respect to Main Roads, to the extent provided by Sec. 11, Local Govt. Act, 1888, p. 371. |

* * * * *

2. This Act, so far as is consistent with the tenor thereof, to be construed as one with the Highway Act, 1862.

* * * * *

Contracts. 20. Waywardens may Contract for Supply and Cartage of Materials.

Sec. 46, Highway Act, 1835 (making it illegal for Surveyor to share in Contract, etc.), shall not apply to any Highway Board^a or Parish within any Highway District.^a

Notwithstanding anything in the Highway Act, 1863 (*p.* 468), any Waywarden may Contract for the Supply or Cartage of Materials within his Parish with the License of two Justices.

Power of Highway Bd. to Contract for repair of Highways, sec. 22. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52; also—

Highway Act, 1835, *p.* 436. Power for obtaining Materials for Highway Repairs, secs. 47–54. Gravel Pits to be fenced, sec. 55. Penalty for allowing heap of Stones on Highway at night unprotected, sec. 56. Penalty for damaging Bridge, Building, etc., in digging Materials, sec. 57.

21. Discontinuance of Maintenance of Unnecessary Highway.
Where any Highway Board^a consider any Highway^b unnecessary for

* As to transfer of powers of Highway A. to Rural District C., see Local Govt. Act, 1894, sec. 25, *p.* 401.

^a Definition, secs. 2–4, *p.* 462.

^b Definition, sec. 5, *p.* 438.

public use, they may direct the District Surveyor to apply to two Sec. 21. Justices, when the same proceedings shall obtain as in an Application under the Highway Act, 1835 (*sec.* 84-93) for the Stopping up of any Highway, save that the Order (*sec.* 91) shall direct that the Highway shall cease to be repairable by the Parish.

Provided that if at any time such Highway appears to a Court of Liability General or Quarter Sessions (on application of any interested Person of the Public to and after one month's written Notice from him to the Clerk to the Highway Bd.), through change of circumstances to have become of repair may revive. public use such Court may make an Order, reviving the liability of the public to maintain the same.

Highway Act, 1835, p. 436. Stopping up and diverting Highways, *secs.* 84-92. Provisions as to stopping up, etc., Highways to extend to Highways repairable *ratione tenuræ*, *sec.* 93.

Highway Act, 1862, p. 461. Provisions as to stopping up, etc. Highways to extend to Highways under Local Act, *sec.* 44.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power to reduce Main Road to status of ordinary Highway, *sec.* 16. Discontinuance of maintenance of unnecessary Highway, *sec.* 24.

Loc. Gov. Act, 1894, p. 389. Stopping up and diversion of Highways, *sec.* 13. Duties of District C. as to Right of Way, etc., *sec.* 26.

22. Power to Contract for Repair of Highways, etc.

Any Highway Board^a may Contract for any period not exceeding 3 years for the Repair of any Highways,^b Turnpike Roads,* or Roads over County or other Bridges, or any part thereof for which other Parties are liable, and any Party liable to repair Roads may Contract with the Highway Board for the repair of any Highway, etc.

Power of Waywarden to contract for Materials, *sec.* 20. Discontinuance of maintenance of unnecessary Highway, *sec.* 21. Power of Highway Bd. to contract for Materials and maintenance of Highways, *sec.* 52; also—

Highway Act, 1835, p. 436. Repair of Highways over new County Bridges, *sec.* 22. Temporary Road during repair, etc., of Highway, *sec.* 25. Power for obtaining Materials for Highway Repairs, *secs.* 47-54. Gravel Pits to be fenced, *sec.* 55. Penalty for allowing heap of Stones, etc., on Highway at night, unprotected, *sec.* 56. Penalty for damaging Bridge, Building, etc., in digging Materials, *sec.* 57. As to repair of Highway lying in two Parishes, *secs.* 58-61. Penalty for damaging Parapets, etc., of Bridges, *sec.* 72. Widening, Stopping up, and diverting, Highways, *secs.* 82-93. Act not to extend to Highways and Bridges under Local Acts, *sec.* 113.

Highway Act, 1862, p. 461. Highway out of repair, *secs.* 18, 19. Highway, repairable *ratione tenuræ*, out of repair, *sec.* 34.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Main Roads, *secs.* 13-20. Recovery of expenses due to extraordinary Traffic on Highways, *sec.* 23. Discontinuance of maintenance of unnecessary Highways, *sec.* 24. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of same, *sec.* 26.

Local Government Act, 1888, p. 367. Entire maintenance of Main Roads by County Council, *sec.* 11.

23. Amendment of Sec. 34, Highway Act, 1862 (*p.* 465), as to

* As to Turnpike Roads, see Sec. 13, Highway and Loco. (Amendt.) Act, 1878, and Note thereto, p. 479.

^a Definition, *secs.* 2-4, p. 462.

^b Definition, *sec.* 5, p. 438.

Sec. 23. Highway out of Repair, substituting the 1862 Act for the Act of 1835.

24. Amendment of Sec. 35, Highway Act, 1862 (*p.* 465), as to Highways repairable *ratione tenuræ*, giving Highway Board^a power to make a like application.

25. Provisions as to Cattle straying on Highways. (*Repealing Sec. 74, Highway Act, 1835.*)

26. Service of Notices by Highway Board.^a

Notices, etc. (in respect of which no other mode is provided), shall be served—

(a) personally on the Party, or by leaving the same at his usual or last known place of abode; or,

(b) by Post as a prepaid Letter.

* * * * *

27. Proceedings of Highway Boards. (*Repealing Schedule of Highway Act, 1862, p.* 467.)

Loc. Gov. Act, 1894. Transfer of powers of Highway Board to Rural District C., sec. 25, p. 401.

EXPENSES OF HIGHWAY BOARD (SECS. 32-35).

32-35. Provisions as to Expenses* of Highway Board.^a (*Repealing Secs. 20-24, Highway Act, 1862, p.* 465.)

Highway and Loco. (Amendt.) Act, 1878, p. 476. Expenses of Highway Bd. to be paid out of District Fund, sec. 7. Money Borrowed to be chargeable to District Fund, sec. 8.

Local Govt. Act, 1894. Expenses of Rural District C., sec. 29, p. 404. Transfer of powers of Highway A. to Rural District C., sec. 25, p. 401.

ACCOUNTS OF HIGHWAY BOARD (SECS. 36-44).

36. Provisions as to Accounts* of Highway Board.^a (*Repealing Secs. 25, 26, 30, Highway Act, 1862, p.* 465.)

Highway and Loco. (Amendt.) Act, 1878, p. 476. Audit of Accounts, sec. 9.

Loc. Gov. Act, 1894. Transfer of powers of Highway Bd. to Rural District C., sec. 25, p. 401.

37-44. Appeals against Rates or Expenditure, and Arbitrations.

^a Definition, secs. 2-4, p. 462.

* For further provisions as to receipts and expenditure as regards Highways, see Local Taxation Returns Acts, 1860-77; District Auditors Act, 1879; and Highway Accounts Returns Act, 1879.

SUPPLEMENTAL PROVISIONS (Secs. 45-53).

46. Justices in Petty Sessions may exercise any jurisdiction which they are authorized to exercise in Special Sessions.

47. Power of Highway Board to make Improvements (*sec.* 48).

Highway Board^a may make Improvements (*sec.* 48), and with approval of Justices may Borrow for that purpose. Power to borrow.

Two months' Notice shall be given previous to making Application to Borrow, and such Notice shall state—

- (a) Nature of the Work, estimated Expense, and Sum proposed to be Borrowed; As to sum to be borrowed.
- (b) Parish or Parishes for which the Sum is to be Borrowed, and in case of more than one parish the Annual Payments to be contributed by each;
- (c) Period within which the Loan is to be paid off (not exceeding 20 years), and the Amount to be set apart in each year for paying off the same.

* * * * *

Definition of Improvements, *sec.* 48. Other Parishes and Districts may contribute to Improvements, *sec.* 49. Power to purchase Land for improving Highways, *sec.* 53; also—

Highway Act, 1835, p. 436. Widening and diverting Highways, *secs.* 82-93.

Higway and Loco. (Amendt.) Act, 1878, p. 476. Money Borrowed by Highway Bd. to be chargeable on District Fund, *sec.* 8.

P. H. Act, 1875, p. 1. Power of Urban A. to agree as to making of new public Roads, *sec.* 146. Power of U. A. to purchase Premises for improvement of Streets, *sec.* 154. Power of U. A. to regulate line of Buildings, *sec.* 155.

P. H. (Building in Streets) Act, 1888, p. 96. Buildings not to be brought forward in Urban Districts, *sec.* 3.

Towns Impt. Clauses Act, 1847, p. 149. Improving the line of Streets and removing Obstructions, *secs.* 66-74.

Local Government Act, 1888, p. 367. County Council may contribute towards maintenance, improvement, etc., of Highways, *sec.* 11 (10).

48. Definition of Improvements.

- (1) Conversion of Road not stoned into a stoned Road;
- (2) Widening, or Cutting off Corners of Roads (where Land is required to be purchased for that purpose); Levelling, or making new Roads, and building or enlarging Bridges;
- (3) Other Works (beyond ordinary Repairs) essential to placing any Highway^b in proper Repair.

Power of Highway Bd. to make Improvements, *sec.* 47.

49. Other Parishes and Districts may Contribute to Improvements (*sec.* 47).

* * * * *

^a Definition, *secs.* 2-4, p. 462.

^b Definition, *sec.* 5, p. 438.

51. Encroachment on Highways.*

Penalty 40s. for (except for improvement, or by Order of the Highway Bd.,^a or where there is no Highway Bd., of the Surveyor^b) Encroaching—

(a) with any Building, Pit, Hedge, Ditch, or Fence, or placing any Dung, Rubbish, etc., within 15 ft. of the centre of any Carriageway or Cartway; or

(b) by removing any Soil or Turf from the side thereof—
notwithstanding that the said 15 ft. has not been maintained with Stone or other Materials, and the Expense of removing any such Encroachment, etc., may be levied on the Offender.

Provided that where any Carriageway or Cartway is fenced on both sides no Encroachment shall be allowed to reduce the width to less than 30 ft.

Highway Act, 1835, p. 436. Removal of Snow, fallen Banks, etc., sec. 26, Penalty for allowing heap of Stones, etc., on Highway at night, unprotected. sec. 56. Hedges, Trees, and Ditches affecting Highways, secs. 64–68. Encroachments on Highways, sec. 69. Pits, Shafts, Engines, etc., to be certain distance from Highway, sec. 70. Nuisances, etc., on Highways, secs. 72–79. Width of Cartways, Horseways, Footways, and Gateways, secs. 80, 81.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

Highway Act Amendt. Act, 1885, p. 487. Power of Highway Bd. to prune Hedges, etc., sec. 2.

Towns Impt. Clauses Act, 1847, p. 149. Improving the line of Streets, and removing obstructions in Urban Districts, secs. 66–74. Dangerous Building to be hoarded in, sec. 75. Precautions during the construction and repair of Sewers, Streets, etc., secs. 79–83.

Towns Police Clauses Acts, 1847, p. 159. Obstructions and Nuisances in Streets, sec. 28.

P. H. Act, 1875, p. 1. Power of U. A. to regulate line of Buildings, sec. 155.

P. H. (Building in Streets) Act, 1888, p. 96. Buildings not to be brought forward in Urban Districts, sec. 3.

52. Power of Highway Board to Contract for Materials and Maintenance of Highways.

Highway Board^a may Contract (for a period not exceeding 3 years) for purchasing, getting, and carrying Materials for Highway^b Repairs, and for maintaining all, or part of, the Highways of any Parish within their District.

See Sec. 22, and References thereto.

53. Power to purchase Lands.

Highway Board^a may purchase Lands for improving Highway, for which purpose the Lands Clauses Consolidation Acts (except as to purchase of Lands otherwise than by Agreement) shall be incorporated.

Power of Highway Bd. to make Improvements, secs. 47–49; also—

Highway Act, 1835, p. 436. Widening and diverting Highways, secs. 82–93.

P. H. Act, 1875, p. 1. Power of U. A. to purchase Premises for improvement of Streets, sec. 154.

* As to Encroachments on Turnpike Roads that have become ordinary Highways, see Note to Sec. 69, Highway Act, 1835, p. 447.

^a Definition, secs. 2–4, p. 462.

^b Definition, sec. 5, p. 438.

FIRST SCHEDULE.

Proceedings of Highway Board.^a (*Transfer of powers of Highway Bd. to Rural District C.—See Loc. Gov. Act, 1894, sec. 25, p. 401.*)

SECOND SCHEDULE.

Form of Mortgage and Transfer of Mortgage.

^a Definition, secs. 2-4, p. 462.

HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878.

(41 & 42 VICT., CAP. 77.)

ARRANGEMENT OF SECTIONS.

SECTION

2. Application of Act.

PART I.

'AMENDMENT OF HIGHWAY LAW (Secs. 3-27).

HIGHWAY DISTRICTS (Secs. 3-12).

- | | | | | | | |
|-------|--|---|---|---|---|---|
| * | * | * | * | * | * | * |
| 7, 8. | Expenses of Highway Bd., and Moneys borrowed, to be paid out of the District Fund. | | | | | |
| 9. | Audit of Accounts. | | | | | |
| 10. | Power of County A. to enforce performance of duty by defaulting Highway A. | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|

MAIN ROADS (Secs. 13-20).

13. Disturnpiked Roads to become Main Roads.
14. Description of Highway Areas.
15. Ordinary Highway may become Main Road.
16. Power to reduce Main Road to status of ordinary Highway.
17. Turnpike Roads.
- 18, 19. Main Road Expenses and Accounts.
20. As to repair of Main Roads in certain Counties.

BRIDGES (Secs. 21, 22).

21. Power of County to accept Bridges on Surveyor's Certificate.
22. County A. may contribute towards erection of Bridges.
23. EXTRAORDINARY TRAFFIC.
24. DISCONTINUANCE OF MAINTENANCE OF UNNECESSARY HIGHWAYS.

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
|---|---|---|---|---|---|---|

26. BYELAWS AS TO WIDTH, CONSTRUCTION, AND LOCKING OF WHEELS OF WAGGONS, AND AS TO GATES ON HIGHWAYS, ETC.
27. SAVING FOR MINERALS.

PART II.

AMENDMENT OF LOCOMOTIVE ACTS, 1861-1865 (Secs. 28-33).

These Sections are placed with the Locomotive Acts, p. 498.

PART III.

PROCEDURE AND DEFINITIONS (Secs. 34-38).

- 34. Confirmation of Provisional Orders under this Act.
- 35. Confirmation of Byelaws.
- 36. Recovery of Penalties, etc.
- 37. Form of Appeal to Quarter Sessions.
- 38. Definitions.

HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878.

(41 & 42 VICT., CAP. 77.)

Amending the Highway Acts, 1835-62-64, and
the Locomotive Acts, 1861-65.

* * * * *

2. Application of Act.

Part I. not applicable (except sec. 27) to the Isle of Wight, or the Metropolis, or any part of a County to which the South Wales Highway Act extends. (*Made applicable to the Isle of Wight and South Wales by the Local Government Act, 1888, secs. 12-13, p. 375.*)

PART I.

AMENDMENT OF HIGHWAY LAW (Secs. 3-27.)

HIGHWAY DISTRICTS (Secs. 3-12.)

* * * * *

7. Expenses of Highway Boards^a to be paid out of the District Fund, provided that a District may be divided where natural differences of soil or locality occur.

Highway Act, 1864, p. 469. Expenses of Highway Board, secs. 32-35.
Local Govt. Act, 1894. District C. to have power to charge Highway Expenses on Contributory Place, sec. 29, p. 404.

8. Moneys Borrowed by a Highway Board^a shall be chargeable on the District Fund.

9. Audit^{*} of Accounts of Highway Districts and Parishes. (*Loc. Gov. Act, 1894, Transfer of Powers of Highway Bds. to Rural District C., sec. 25, p. 401. Audit of Accounts, sec. 58, p. 407.*)

^a Definition, secs. 2-4, p. 462.

^{*} General Orders for Accounts are issued by the L. G. B. for Highway Districts, Boards for repair of Highways, and Highway Parishes.

10. Power of County A. to enforce performance of duty by defaulting Highway A.^c

Local Government Act, 1888, p. 367. County Council to have power of County A., sec. 3 (h).

* * * * *

MAIN ROADS (Secs. 13-20).

13. Disturnpiked Roads * to become Main Roads.

All Roads disturnpiked * since 1870 to become Main Roads.

The remainder of this Section relating to payment by County A. towards the maintenance of Main Roads is superseded by Sec. 11, Local Government Act, 1888, p. 371.

Ordinary Highway may become Main Road, sec. 15. Power to reduce Main Road to status of ordinary Highway, sec. 16. As to repair of Main Roads in certain Counties, sec. 20. Recovery of expenses due to extraordinary Traffic, sec. 23. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26.

Local Government Act, 1888, p. 367. Maintenance of Main Roads by County C., sec. 11. Power of U. A. to retain maintenance of Main Roads, sec. 11 (2). District Council to undertake maintenance if required, sec. 11 (4). Power of C. C. as to Main Road out of Repair, sec. 11 (8). Lighting of Main Roads, sec. 11 (11). Breaking up of Main Roads, sec. 11 (12).

14. Description of Highway Areas.

(1) Urban Districts.

(2) Highway Districts.

(3) Highway Parishes not included within Urban or Highway District.

Definition of Urban District, Highway District, and Highway Parish, sec. 38.

15. Ordinary Highway may become Main Road.

Highway A.^c may apply to the County A. for an Order declaring any Highway ^a to be a Main Road by reason of its being—

(a) a medium of communication between Towns; or

(b) a thoroughfare to a Railway Station or otherwise;

and such County A., if satisfied that it ought to be a Main Road, may make an Order accordingly.

Local Government Act, 1888, p. 367. County Council to have powers of County A., sec. 3 (h). Roads declared Main Roads to be placed in proper repair, sec. 11 (7).

See also sec. 13, and References thereto.

^c Definition, sec. 38, p. 485.

* On Jan. 1st, 1892, only 2 Turnpike Trusts, embracing in all about 20 miles of Roads, remained in existence, viz., The Tewkesbury and Severn Bridge Trust, which will expire in 1896, and the Trust which comprises the Anglesea portion of the Shrewsbury and Holyhead Road, which was extended * * until Nov. 1st, 1895.—(Extract from L. G. B. Annual Report.)

^d Definition, sec. 5, p. 438.

16. Power to reduce Main Road to status of ordinary Highway. (*Amended by Sec. 4, Highway and Bridges Act, 1891, p. 488.*)

Where it appears to a County A. that any Road which has become a Main Road in pursuance of this Act ought to cease as such and become an ordinary Highway,^d they may apply to the L. G. B. for a Provisional Order declaring such Road an ordinary Highway.

The L. G. B., if of opinion that there is cause for the application shall cause the road to be inspected, and if satisfied thereon, shall make a P. O. accordingly, *to be confirmed as provided by Sec. 34.**

Local Government Act, 1888, p. 367. County Council to have powers of County A., sec. 3 (*h*).

See also sec. 13, and References thereto.

17. Turnpike Roads. (*See Sec. 13, and Note thereto.*)

18-19. Main Road Expenses and Accounts. (*These Sections are superseded by Sec. 11, Local Government Act, 1888, p. 371.*)

20. As to repair of Main Roads in any County in which certain of the Bridges are repairable by the County and others by the Several Hundreds within the County.

Bridges, secs. 21, 22.

See also sec. 13, and References thereto.

BRIDGES (Secs. 21, 22).†

21. Power of County to accept Bridges† on Surveyor's Certificate.

^d Definition, sec. 5, p. 438.

* The italicized words are repealed by sec. 4, Highways and Bridges Act, 1891, p. 488.

† The County Bridges Act, 1803, Sec. 2, provides that—

Quarter Sessions may widen and alter situation of County Bridges.

Purchase of Land.

- (1) Where any Bridge or Road at the end thereof, repaired at the expense of the County, is narrow and incommodious, the Justices * * * may order the same to be widened and improved; also
- (2) where any Bridge repaired at the expense of the County shall be so much decayed as to render it necessary to be wholly taken down, such Justices may * * * order the same to be rebuilt, either on the old Site, or some other more convenient Site within 200 yards therefrom; also
- (3) if the purchase of Land be necessary for these purposes (1, 2), the County Surveyor, under the Justices' directions, may set out and ascertain the same not exceeding 1 acre at any one Bridge, and may Contract and agree with the Owner of such Land, and persons interested therein, for the purchase thereof * * * or, if he be unable to agree with such Owners, or if they cannot be found, then the Justices * * * shall empanel a Jury, and assess the compensation for such Land.

The Municipal Corporations Act, 1882, Sec. 119, provides that—

All Bridges maintainable by and situated either wholly or partly in a Borough, are to be maintained, altered, widened, improved or rebuilt under the sole control of the Council, to the extent to which they are situate in the Borough, for which

Any bridge erected before the passing of this Act without such Sec. 21. superintendence as is provided by the County Bridges Act, 1803,* and which is certified by the County Surveyor to be in good repair and condition, may be accepted by the County A.

County A. may contribute towards erection of Bridges, sec. 22. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26. Maximum weight and size of Loco., and construction of Wheels, sec. 28; also—

Highway Act, 1835, p. 436. Repair of Highways over new County Bridges, sec. 21, and Note thereto. Power of Surveyor for getting Materials to extend to Surveyor of County Bridges, sec. 22. Penalty for damaging Bridge in digging Materials, sec. 57. Penalty for damaging Parapets, etc., of Bridges, sec. 72. Highway Act, 1835, not to extend to Bridges under Local Acts, sec. 113.

Highway Act, 1864, p. 469. Power of Highway Bd. to Contract for repairs of Roads over County or other Bridges, sec. 22.

Local Government Act, 1888, p. 367. Transfer of County Bridges to County Council, sec. 3 (*h*). Power of County Council to purchase, and erect new, Bridges, sec. 6. Bridges carrying Main Roads, if repairable by the Highway A., to be maintained by County Council, sec. 11. County Bridges within County Borough to be transferred to Council of County Borough, sec. 34.

P. H. Act, 1875, p. 1. Power of Urban A. to construct or adopt public Bridges over or under Canals, etc., sec. 147. Power of U. A. to agree as to maintaining, cleansing, and watering County Bridges, etc., sec. 148.

Locomotive Act, 1861, p. 492. Restrictions on the use of Loco. over Suspension and other Bridges, sec. 6. Damage to Bridges by Loco., sec. 7.

22. County A. may contribute towards erection of Bridges.

County A. may contribute (not to exceed one-half cost) towards erection of any Bridge after the same has been certified in accordance with Sec. 5, County Bridges Act, 1803,* as a proper Bridge to be maintained by the County.

See previous Section, and References thereto.

EXTRAORDINARY TRAFFIC.

23. Where on their Surveyor's Certificate it appears to the Authority which is liable, or has undertaken to repair any Highway^d (whether a Main Road or not), that having regard to the average Expense of repairing Highways in the neighbourhood, extraordinary Expense has been incurred in repairing such Highway by reason of excessive Weight or extraordinary Traffic thereon, such A. may recover, in a summary manner, the Expense incurred by reason of the damage from the Person by whose Order such Weight or Traffic has been conducted.

purpose such Council shall have the same powers, relative to such Bridges, as the County A. have in relation to County Bridges.

* Sec. 5 of this Act provides that Bridges liable to be maintained by the County shall be erected in a substantial and commodious manner under the direction, and to the satisfaction of, the County Surveyor or other person appointed by the Justices.

^d Definition, sec. 5, p. 438.

Sec. 23.

Provided that any Person against whom expenses may be recoverable may enter into agreement with such A. for payment of a composition in respect of such Traffic.

Disturnpiked Roads to become Main Roads, sec. 13. Power of County A. to make Byelaws as to width of Wheels of Waggon, etc., and as to locking of Wheels, sec. 26. Maximum Weight and size of Loco., and construction of Wheels, sec. 28; also—

Highway Act, 1835, p. 436. Temporary Road during Repair, etc., of Highway, sec. 25. Power for obtaining Materials for Highway repairs, secs. 46-54. Highway out of repair in Highway Parish, secs. 94-96.

Highway Act, 1862, p. 461. Highway out of repair in Highway District, secs. 18, 19. Highway, repairable *ratione tenuræ*, out of repair, sec. 34.

Highway Act, 1864, p. 469. Waywarden may Contract for Materials, etc., sec. 20. Power of Highway Bd. to Contract for Highway Repairs, sec. 22. Power of Highway Bd. to Contract for Materials and maintenance of Highways, sec. 52.

Railway Clauses Consolidation Act, 1845, p. 502. Railway Co. to make good damage done by their use of, or interference with, Roads, sec. 58.

Locomotive Act, 1861, p. 490. Maximum weight of Waggon, etc., drawn by Loco., sec. 4.

Local Government Act, 1888, p. 367. Main Road out of Repair, sec. 11 (8). County Council may contribute towards maintenance, improvement, etc., of Highways, sec. 11 (10).

DISCONTINUANCE OF MAINTENANCE OF UNNECESSARY HIGHWAYS.

24. Where any part of a Highway,^d in a Parish situate in a Petty Sessional Division,^c is deemed by the Repairing A. to be unnecessary for public use, and therefore ought not to be maintained at the public expense, such A. may apply to a Court of S. J. to view the same. If the Court on such view is of opinion that the Application ought to be proceeded with, it shall—

- (a) by Notice to the Owners and Occupiers abutting thereon; and
- (b) by Advertisement in a Local Newspaper for the 4 weeks preceding the hearing; and
- (c) by Notice affixed (at least 14 days before the hearing) to the principal Doors and Chapels in the Parish, or in some conspicuous position near such Highway,

appoint a time and place, not earlier than 1 month from the date of such Notice, at which it will be prepared to hear all Persons objecting.

On proof of the publication of such Notice the Court shall consider such Application and make an Order, either dismissing the Application, or declaring such Highway unnecessary for public use, and that it ought not to be repaired at the public expense. (*See Local Govt. Act, 1894, sec. 13, p. 396, as to consent of Parish C., etc., being required.*)

Liability
of the
Public to
repair may
revive.

If at any time such Highway appears to a Court of Quarter Sessions (on the application of any interested Person, and after one month's Notice from him to the Authority) through change of circumstances to have become of public use, such Court may make an Order reviving the liability of the public to maintain the same.

^c Definition, sec. 38, p. 485.

^d Definition, sec. 5, p. 438.

HIGHWAYS AND LOCOMOTIVES (AMENDT.) ACT, 1878. 483

Power to reduce Main Road to status of ordinary Highway, sec. 16; also—
Highway Act, 1835, p. 436. Stopping up and diverting Highways, secs. 84-92. Sec. 24.
Provisions as to stopping up, etc. Highways to extend to Highways repairable
ratione tenuræ, sec. 93.
Highway Act, 1862, p. 461. Provisions as to Stopping up, etc., Highways to
extend, with certain exceptions, to Highways under Local Acts, sec. 44.
Highway Act, 1864, p. 469. Discontinuance of maintenance of unnecessary
Highways in Highway District, sec. 21.
Loc. Gov. Act, 1894, p. 389. Stopping up and Diversion of Highways, sec. 13.
Duties of District C. as to rights of way, etc., sec. 26.

* * * * *

BYELAWS BY COUNTY AUTHORITY.

26. Byelaws as to the width, construction, and locking of
Wheels of Waggon, etc.

A County A. may make, alter, or repeal *Byelaws* with respect to
Main Roads or other Highways^d in any Highway Area (sec. 14) for all
or any of the following purposes.

(1-2) For prohibiting or regulating the use of any Waggon, Wain, Width of
Cart or Carriage drawn by Animal power not having— Wheels,

(a) Wheels of the width specified in such Byelaws, for the weight etc.
carried by, size or number of, such wheels;

(b) the nails on its Wheels countersunk as specified in such Bye-
laws or having bars or other forbidden projections thereon.

(3) For prohibiting or regulating the locking of the Wheels of any Locking of
such Waggon, etc., when descending a Hill unless a Skidpan, Wheels.
Slipper or Shoe is placed thereunder in such manner as to
prevent injury to Road.

(4) For prohibiting or regulating the erection of Gates across, and Gates on
prohibiting gates opening outwards on, any Highway; Highways.

(5) For regulating the use of Bicycles. (*Repealed by Sec. 85, Local Bicycles.*
Government Act, 1888, p. 386.)

Penalties not exceeding £2 may be imposed for every offence against
such Byelaws.

Extraordinary Traffic on Highways, sec. 23. Confirmation of Byelaws, sec.
35; also—

Local Government Act, 1888, p. 367. Power of County A. transferred to County
Council, sec. 3. Power of County Borough to make Byelaws under above
Section (26), sec. 34.

SAVING FOR MINERALS.

27. Notwithstanding anything contained in Sec. 68, P. H.
Act, 1848, and Sec. 149, P. H. A., 1875, as to vesting of Highways

^d Definition, sec. 5, p. 438.

Sec. 27. in Urban A. (*p.* 43), all Mines and Minerals under any disturn - piked Road or Highway ^d shall belong to the Person who would be entitled thereto in case the same had not been vested in the U. A. Such Person shall be entitled to work the same, but in so doing no damage to be done to such Road or Highway.

This Sec. to extend to the Isle of Wight and South Wales.

P. H. A. (Support of Sewers) Amendt. Act, 1883. Support of Sewers, etc., in Mining Districts, sec. 3, p. 141.

^d Definition, sec. 5, p. 438.

PART II.

AMENDMENT OF LOCOMOTIVE ACTS, 1861-1865 (Secs. 28-33).

For convenience of reference these Sections are placed with the Locomotive Acts (*p.* 498).

PART III.

PROCEDURE AND DEFINITIONS (Secs. 34-38).

34. Confirmation of Provisional Orders under this Act. (*Repealed by Sec. 4, Highways and Bridges Act, 1891, p. 488.*)

35. Confirmation of Byelaws (*see sec. 35, p. 501.*)

36. Penalties, Fines, Expenses, etc., to be prosecuted or recovered before a Court of S. J.

37. Form of Appeal to Quarter Sessions.

38. Definitions.

| Expression. | Definition. |
|---|--|
| * * * "Highway Authority" . | * * * * * (a) Urban A. (b) Highway Bd. (c) Highway Surveyor, or other Officers performing similar duties. |
| * * * "Urban District" } " „ Authority" } | * * * * * as defined by P. H. A., 1875 (<i>p.</i> 10), except that for the purposes of this Act, no part of a Borough having a separate Court of Quarter Sessions shall be deemed to be included in such District, and where part of a Parish is included for the purpose only of repairs of Highways, such part shall be deemed included for the purpose of this Act. |
| * * * "Locomotive" . . . | * * * * * a Locomotive propelled by Steam or by other than Animal power. |
| "Person" | includes a Body of Persons corporate or unincorporate. |
| "Petty Sesssional Division" | * * * * * |

HIGHWAY RATE ASSESSMENT AND EXPENDITURE ACT, 1882.

(45 & 46 VICT., CAP. 27.)

An Act to extend certain Provisions of the Poor Rate Assessment and Collection Act, 1869, to the Highway Rate, and for other purposes.

* * * * *

6. Erection of Mile Stones, and Fencing of Highways.

Expenses incurred by a Highway A.^a in maintaining, replacing, or setting up Mile Stones, and in Fencing a Highway^b where protection is required for Persons travelling thereon shall be a lawful charge upon the Highway Rate.

Highway Act, 1835, p. 436. Direction Posts where and how to be fixed, sec. 24. Penalty for encroaching on Highway with Fence, etc., sec. 69. Pits, Shafts, Engines, etc., to be certain distance from Highway, sec. 70. Penalty for damaging Mile Stones, Fences, etc., sec. 72. Width of Cartways, Horseways, and Footways, sec. 80. Widening Highways, secs. 82, 83.

Highway Amendment Act, 1839, p. 458. Railway Company to erect Gates where crossing Highway, sec. 1.

Highway Act, 1864, p. 469. Power of Highway Bd. to make Improvements, secs. 47-49. Penalty for encroaching on Highway, sec. 51. Power of Highway Bd. to purchase Land for improvement of Highway, sec. 53.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Expenses of Highway Bd. to be paid out of District Fund, sec. 7. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

* * * * *

^a Definition, sec. 38, p. 485.

^b Definition, sec. 5, p. 438.

HIGHWAY ACT AMENDMENT

ACT, 1885.*

(48 VICT., CAP. 13.)

An Act to amend the Law relating to Highways
(*see sec. 3 as to extent*).

2. Power to Highway Board to prune Hedges, etc. (*sec. 3*).

Where a Highway ^a—

(a) is prejudiced by the shade of any Hedges or Trees or other things growing near such Hedges or other Fences, so as to exclude Sun and Wind; or

(b) is obstructed by any Hedge, or Tree or by any Bank or anything growing thereon;

the Highway Board ^b may *at any time, with the consent of the Owner and Occupier* of the Premises, cut, prune, or pare the said Hedge, or prune or lop the said Trees, or remove the said obstruction.

Highway Act, 1835, p. 436. Removal of Snow, fallen Banks, etc., sec. 26. Hedges, Trees, and Ditches affecting Highways, secs. 64–68. Penalty for encroaching on Highway with Hedge, Fence, etc., sec. 69. Penalty for damaging Hedges, Fences, etc., sec. 72. Width of Cartways, Horseways, Footways and Gateways, secs. 80, 81. Widening Highways, secs. 82, 83.

Highway Act, 1864, p. 469. Power of Highway Bd. to make Improvements, secs. 47–49. Penalty for encroaching on Highway, sec. 51.

Highway and Loco. (Amendt.) Act, 1878, p. 476. Power of County A. to enforce performance of duty by defaulting Highway A., sec. 10.

3.* This Act to extend only to the Counties of Wilts, Dorset, Somerset, Devon, and Cornwall.

^a Definition, sec. 5, p. 438.

^b Definition, secs. 2–4, p. 462.

HIGHWAY AND BRIDGES ACT, 1891.

(54 & 55 VICT., CAP. 63.)

An Act to confer further powers on County Councils and other Authorities with respect to Main Roads and other Highways and Bridges.

* * * * *

3. Power of Authorities to agree for improvement of Roads and Bridges.

The County Council, any Highway A. (*def. p.* 387), and any adjoining C. C. may agree as to the construction, reconstruction, alteration, or improvement, or the freeing from Tolls, of any Main Road or other Highway (*sec.* 6) or Bridge, including the approaches thereto.

Expenses incurred shall be defrayed as Expenses incurred in relation to the maintenance, etc., of Bridges, Main Roads, or other Highways, in such proportion as determined by such Agreement, and the power of Borrowing to defray such Expenses shall apply accordingly.

Provided that a Highway Bd. may charge the whole or part of such Expenses on any Parish or Parishes specially benefitted, with the approval of the C. C. and assent of the Vestry of such Parish or Parishes.

Local Gov. Act, 1888. Power of C. C. to contribute towards maintenance, etc., of Highways, *sec.* 11 (10), *p.* 374.

Highway Act, 1864. Power of Highway Bd. to make Improvements, *secs.* 47-49, and references thereto.

4. Power to reduce Main Road to status of ordinary Highway.

Sec. 16. Highway and Loco. (Amendt.) Act, 1878 (*p.* 480), shall apply to any part of a Main Road in a County, and so much of such Section as requires that any Order shall be Provisional until confirmed is hereby repealed, but no such Order shall be made in respect of a Main

Road within a Municipal Borough without the consent of the Council Sec. 4. thereof.

5. Contract for Supply of Road Materials not to disqualify for Election to County Council.

A Person shall not be disqualified for Election to C. C. by having any share or interest, not exceeding £50 a year, in any Contract with the C. C. for the Supply of Road Materials from Land of which he is the Owner or Occupier.

Local Gov. Act, 1888, p. 367. Establishment, composition and Election of C. C., secs. 1, 2.

6. Definitions.

Words shall have the same meaning as in the Local Gov. Act, 1888,* and "Highway" includes any public Bridle Path or Footway.

* p. 387.

LOCOMOTIVE ACTS, 1861-1865- 1878.

ARRANGEMENT OF SECTIONS.

LOCOMOTIVE ACT, 1861.

(24 & 25 VICT., CAP. 70.)

SECTION

1. Revised Scale of Tolls for Loco. and Waggon, etc., drawn thereby.
2. Repeal of former Enactments as to Tolls.
3. Maximum Weight and Size of Loco. (repealed).
4. " on Waggon, Cart, etc., drawn by Loco.
5. *Repealed.*
6. Use of Loco. restricted over Suspension and other Bridges.
7. Damage caused by Loco. to Bridges to be made good by Owner of Loco.
8. } *Repealed.*
9. }
10. Exemption from Tolls of Waggon, etc., exempt under any General or Local Act.
11. *Repealed.*
12. Provisions of General Acts relating to Turnpike Roads to apply to Locos.
13. Right of action in case of Nuisance.

LOCOMOTIVE ACT, 1865.

(28 & 29 VICT., CAP. 83.)

1. Commencement and Expiration of Act.
2. Repeal of Sections of Loco. Act, 1861.
3. Regulations for the working of Loco. on Turnpike Roads or Highways.
4. Limit of Speed of Loco.
5. *Repealed.*

SECTION

6. Restrictions as to erection of exposed Steam Engine, Gins, etc., within 25 yards of Roads.
7. Name and Residence of Owner to be affixed to Loco.
8. *Repealed.*
9. } Ireland.
10. }
11. Saving for Thames Embankment Act, 1862.
12. Saving as to Actions at Law for Nuisance or Damage by Loco.
13. Short Title.

HIGHWAYS AND LOCOMOTIVES (AMENDT.) ACT, 1878.

(41 & 42 VICT., CAP. 77.)

PART I.

AMENDMENT OF SANITARY LAW (Secs. 1-27, p. 478).

* * * * *

PART II.

AMENDMENT OF LOCOMOTIVE ACTS, 1861-1865 (Secs. 28-33).

28. Maximum Weight and Size of Loco., and Construction of Wheels.
29. Person to precede Loco. when in motion.
30. Loco. to consume its own Smoke.
31. Power of County and Borough A.s to make Byelaws as to Hours during which Loco. may pass over Roads.
32. Power of County A. to license Loco.

* * * * *

PART III.

PROCEDURE AND DEFINITIONS (Secs. 34-38).

* * * * *

35. Confirmation of Byelaws by L. G. B.
36. Penalties, etc., to be recovered before a Court of S. J.
37. Appeal to Quarter Sessions.
38. Definitions.

LOCOMOTIVE ACT, 1861.

(24 & 25 VICT., CAP. 70.)

An Act for regulating the use of Locomotives and Waggon's drawn thereby on Turnpike* and other Roads; and the Tolls to be levied therefore.

1. Revised Scale of Tolls for Loco., and Waggon's, etc., drawn thereby.

(Repeal of Tolls, sec. 2. Exemption from Tolls, sec. 10.)

2. Repeal of former enactments as to Tolls.

3. Maximum Weight and size of Loco. (*Repealed by Highways and Loco.' Act, 1878, sec. 28, p. 498.*)

4. Maximum Weights on Waggon, Wain, Cart or Carriage drawn by Loco.

Waggon's
without
Cylindrical
Wheels.

(1) Where Waggon, etc., has *not* cylindrical (*for def. see 3 Geo. 4, cap. 126, sec. 9*) wheels, the weight carried is not to exceed that permitted by the General Turnpike Acts, 1822, 1823. (*For specified Weights see footnote.†*)

* On Jan. 1st, 1892, only 2 Turnpike Trusts, embracing in all about 20 miles of Roads, remained in existence, viz.: the Tewkesbury and Severn Bridge Trust, which will expire in 1896, and the Trust which comprises the Anglesey portion of the Shrewsbury and Holyhead Road, which was extended * * until Nov. 1st, 1895.—Extract from L. G. B. Annual Report.

† TABLE OF WEIGHTS (including Carriage and Loading) specified in the General Turnpikes Acts, 1822, 1823.

| Description of Vehicle. | Breadth of Wheels. | Summer. | | Winter. | |
|--|-----------------------|-------------|----|-------------|----|
| | Inches. | Tons. cwts. | | Tons. cwts. | |
| Waggon. | 9 | 6 | 10 | 6 | 0 |
| " | 6 | 4 | 15 | 4 | 5 |
| " | 4½ | 4 | 5 | 3 | 15 |
| " | less than 4½ | 3 | 15 | 3 | 5 |
| Cart. | 9 | 3 | 10 | 3 | 0 |
| " | 6 | 3 | 0 | 2 | 15 |
| " | 4½ | 2 | 12 | 2 | 7 |
| " | less than 4½ | 1 | 15 | 1 | 10 |
| Caravan or other 4-wheeled Carriage for conveyance of Goods, and con- structed with Springs. | | 4 | 5 | 3 | 15 |

* * * * *

Provided that such Regulation shall not extend to—

(2) Where Waggon, etc., has Cylindrical Wheels, the Weight (exclusive of Waggon) on each pair of Wheels not to exceed:—

| | | |
|--|--|---|
| 1½ tons, unless Fellies, Tires or Shoes are at least 4 ins. wide | If Waggon, etc., constructed with Springs, ½ more weight may be carried. | Sec. 4. Waggon having Cylindrical Wheels. |
| 2 " " " " 6 " | | |
| 3 " " " " 8 " | | |
| 4 maximum weight | | |

and in the case of Single Wheels, ½ the above weights.

Such Regulations shall not extend to—

Any Waggon carrying separately only one—

Tree, Timber Log, Block of Stone, Cable of Rope, or one Block, Plate, Roll, or Vessel of Iron (or other metal or compound of 2 or more metals). Exempted Waggon.

Highways and Loco. Act, 1878. Weights and Sizes of Loco., sec. 28, p. 498.

5. Power of Secretary of State to prohibit use of Loco. destructive to Highways, or dangerous to the Public. (*Repealed by Sec. 2, Locomotives Act, 1865, so long as such Act is in force.*)

Highways and Loco. Act, 1878. Power of County A. to make Byelaws regulating use of Waggon, and prohibiting the erection of Gates, sec. 26, p. 483. Power of other Authorities to make Byelaws regulating use of Loco., and prohibiting use on unsafe Bridges, sec. 31, p. 499. Power of County A. to require Annual Licenses, sec. 32, p. 500.

6. Use of Loco. restricted over Suspension and other Bridges.

It shall be illegal to drive any Loco. over any—

(a) Suspension Bridge; or

(b) Bridge on which a conspicuous Notice is fixed by the Repairing A., that it is insufficient to carry Weights beyond the ordinary traffic of the District without their previous Consent.

Consent of Bridge A. to be obtained.

Disputes with the Owner of any Loco. as to the sufficiency of any Bridge to be referred to and determined by an Officer appointed on the Application of either party by a principal Secretary of State.*

Settlement of differences.

7. Damage caused by Loco. to Bridges to be made good by Owners of Locos.

Where the Walls, Buttresses, or Supports of any Turnpike, or other Road, Bridge or Arch (whether Movable or Stationary), crossing any Stream, Watercourse, Navigable River, Canal, or Railway, shall be damaged by any Loco., or any Waggon or Carriage drawn thereby, such Damage shall forthwith be repaired by and at the expense of the

(a) Any waggon carrying only Manure or Lime for improvement of Land—Hay, Straw, Fodder, or Corn for sale—or carrying separately only one: Tree, Timber Log, Block of Stone, Cable of Rope.

(b) Any Chaise, Marine, Coach, Berlin, Barouche, Sociable, Chariot, Calash, Hearse, Break, Gig, Chaise, or Taxed Cart.

* P. H. Act, 1875, Schedule V., Part III., Transfer of Powers from Sec. of State to L. G. B. (p. 95).

Loc. Gov. Act, 1888. Power of County Council to take over existing Bridges, sec. 6 (p. 371).

Sec. 7. Owner of such Loco., or of the persons in charge thereof at the time of the accident, to the satisfaction of the person owning or interested in such Bridge or Arch, or in the Navigable River, Canal, or Railway over which it crosses.

Such Owner shall also reimburse such Persons owning such Bridge, etc., as also all persons navigating on, or using (or who but for such Damage would have navigated on or used) such River, Canal, or Railway, all losses and expenses which they may sustain by reason of any obstruction or delay.

* * * * *

8. Loco. to consume its own smoke. (*Repealed by Sec. 30, Highways and Loco. Act, 1878, p. 499.*)

Nuisance from Loco., sec. 13.

9. As to number of Persons to be in charge of Loco. and Waggon. (*Repealed by Sec. 2, Loco. Act, 1865, so long as such Act is in force.*)

Locomotive Act, 1865. Amended provisions as to persons and lights to Loco., sec. 3, p. 495.

10. Exemption from Tolls of Waggon, etc., drawn by Loco., and loaded with Materials now exempt from Tolls (under any General or Local Act), if drawn by Animal power.

Scale of Tolls, sec. 1. Repeal of former Tolls, sec. 2.

11. Limit of Speed of Loco. on public Highways, etc. (*Repealed by Sec. 2, Loco. Act, 1865, p. 495, so long as such Act is in force.*)

Locomotive Act, 1865. Limit of Speed, sec. 4, p. 496.

12. Provisions of General or Local Acts relative to Turnpike Roads* or Public Highways shall (unless herein repealed or amended) apply to Loco. and to Waggon, etc., drawn thereby, and to Owners and Drivers, etc., in like manner as if drawn by Animal power.

Penalties :—

(a) £5 for failing to affix conspicuously and legibly on every Loco. its weight, and the name of the Owner thereof; and

(b) £10 for fraudulently affixing thereon any incorrect weight.

Locomotive Act, 1865. Penalty for failure to affix Name and Residence of Owner to Loco., sec. 7, p. 496.

Highways and Loco. Act, 1878. Rec. of Penalties, sec. 36, p. 501.

13. Persons using Loco. so as to cause a public or private Nuisance, to be liable to Indictment or Action just as if this Act had not been passed.

* * * * *

* See Note as to extent of Turnpike Roads, p. 492.

LOCOMOTIVE ACT, 1865.*

(28 & 29 VICT., CAP. 83.)

An Act for further regulating the Use of Locomotives on Turnpike† and other Roads for Agricultural and other purposes.

1. Commencement and Termination of Act.

Act to commence Sept., 1865, and to cease * * (Continued by the Expiring Laws Continuance Act, 1893.)

2. Repeal of Sections 5, 9, 11, 15, Loco. Act, 1861 (so long as this Act continues in force. *As to which see previous Section*).

3. Regulations for the working of Loco. on Turnpike Roads‡ and public Highways.

Penalty £10 for non-compliance with the following Requirements by the Owner of any Loco. travelling on any Turnpike Road or public Highway.

- (a) Three Persons at least to be employed in driving or conducting every Loco.; and if more than 2 Waggon, etc., attached, one additional person to take charge thereof. Persons in charge of Loco.
- (b) Repealed by Sec. 29, Highways and Loco. Act, 1878, which reads as follows: *One such person, whilst the Loco. is in motion, shall precede it on foot by at least 20 yards, and shall, if requisite, assist Horses, and Carriages drawn thereby, passing the same.* Person to precede Loco.
- (c) Drivers to give as much Space as possible for passage of Traffic. Traffic.
- (d) Loco. Whistle not to be sounded for any purpose whatever; nor the Cylinder Taps be opened in sight of any person in charge of a Horse upon the Road; nor Steam be blown off whilst the Loco. is on the Road. Whistle, Steam, etc.

* Arrangement of Sections, p. 490.

† See Note as to extent of Turnpike Roads, p. 492.

- Sec. 3. (e) Every Loco. shall be stopped immediately on the person preceding the same, or any other person in charge of a Horse, putting up his hand as a signal to require such Loco. to stop.
- Loco. to stop on Signal.
- Lights. (f) An efficient Light to be affixed conspicuously on each side of the front of the Loco. between one hour after sunset and one hour before sunrise.

* * * * *

Highways and Loco. Act, 1878, p. 476. Power of County A. to make Byelaws, re Width of Wheels of Waggon drawn by Animal power, and as to locking of Wheels, sec. 26. Maximum size and weight of Loco., sec. 28. Power of L. A. to make Byelaws regulating the use of Loco. on Roads and Bridges and as to prohibited hours, sec. 31. Power of County A. to license Loco., sec. 32. Rec. of Penalties, sec. 36.

4. Limit of Speed of Loco. (*Subject to any Regulations made by a County A. under Sec. 31, Highways and Loco. Act, 1878, p. 499.*)

Penalty £10 for driving a Loco. beyond the following Speeds—

- (a) along a Turnpike Road 4 miles per hour ;
- (b) through any City, Town, or Village 2 „ .

Highway and Loco. Act, 1878. Rec. of Penalty, sec. 36, p. 501.

5. Maximum Weight and Size of Loco. (*Repealed by Highways and Loco. Act, 1878, sec. 28, p. 498.*)

Loco. used for Ploughing. **6. Restrictions as to Erection of exposed Steam Engines, Gins, etc., within 25 yards of Roads.** (*Highways Act, 1835, sec. 70, p. 448*) not to apply to Use of Loco. used for ploughing purposes, provided person be stationed in Road to signal Driver when it shall be necessary to stop, and to assist passing Horses and Carriages drawn thereby.

7. Penalty £2 for failing to affix Name and Residence of Owner to Loco. in conspicuous manner.

(For additional provision hereon, see Loco. Act, 1861, sec. 12, p. 494.)

Highway Act, 1835. Name and Residence of Owner to be painted on Waggon, sec. 76, p. 450. Highway and Loco. Act, 1878. Recovery of penalty, sec. 36, p. 501.

8. Power of L. A. to make Orders as to Hours during which Loco. may pass over Roads. (*Repealed as regards England by Highways and Loco. Act, 1878, sec. 31, p. 499.*)

9, 10. Ireland.

11. Saving for Sec. 41, “Thames Embankment Act, 1862.”

12. Act not to authorize Use of Loco. so as to be a public

Nuisance, or to affect recovery of Damages by persons sustaining Sec. 12.
injury by Use of Loco.

Loco. Act, 1861. Loco. not to create N., sec. 13, p. 494.

Highway and Loco. Act, 1878. Loco. to consume its own Smoke, sec. 30, p. 499.

13. Loco. Acts, 1861 to 1865 to be construed together as one
Act.

HIGHWAYS AND LOCOMOTIVES (AMENDT.) ACT, 1878.*

(41 & 42 VICT., CAP. 77.)

An Act to amend the Law relating to Highways in England,† and the Acts relating to Locos. on Roads; and for other purposes.

PART I.

AMENDMENT OF HIGHWAY LAW (Secs. 1-27, p. 476).

For convenience of reference these Sections are placed with the Highways Acts, p. 476.

PART II.

AMENDMENT OF THE LOCO. ACTS 1861-1865 (Secs. 28-33).

(Sec. 33 enacts that Part II. of this Act shall remain in force so long as the Loco. Act, 1865, continues in force, see sec. 1, p. 495.)

28. Maximum weight and size of Loco., and Construction of Wheels. (*Repealing Sec. 3, Loco. Act, 1861, and Sec. 5, Loco. Act, 1865, so far as relates to England.*)

Penalty £5 on Owner using on any Turnpike Road‡ or Highway, a Loco. constructed otherwise than as follows (except as hereinafter provided, sub-sec. c):—

* Arrangement of Sections, p. 491.

† Applicable to Isle of Wight and Wales, see Loc. Gov. Act, 1888, secs. 12, 13, p. 375.

‡ See Note as to extent of Turnpike Roads, p. 492.

(1) In case of Loco. *not* drawing any Carriage:—

not exceeding 3 Tons weight * * * 3 in. minimum width of Tire, with an additional inch for every Ton, or fraction thereof, above the first 3 Tons weight. Sec. 28.
Loco. not drawing Waggon, etc.

(2) In case of Loco. drawing any Waggon or Carriage:—

for every Ton weight of Loco * * * 2 in. width of Tire of Driving-wheel, unless such Wheels exceed 5 ft. diar.; when the width of Tire may be reduced in the same proportion as the diar. is increased, but with a minimum width of 14 ins. Loco. drawing Waggon, etc.

(3) Maximum width of Loco.

9 feet.
14 Tons.

Width and Weight of Loco.

except as hereinafter provided (*see proviso*).

(4) Driving-wheels to be cylindrical and smooth-soled; or shod with diagonal cross-bars of 3 in. minimum width, $\frac{3}{4}$ in. maximum thickness; with intervening spaces not exceeding 3 in., and extending the full breadth of the Tire. Driving-wheels.

Provided that:—

* * * The Council of any Quarter Sessions Borough, and the County A., may authorize the use of a Loco. exceeding 9 feet in width, and 14 Tons weight (*sub-sec. 3*) on any Turnpike Road or Highway within their respective areas, on such conditions as they may think fit; provided also that:— Power to authorize specially heavy, etc., Loco.

The Owner shall not be liable to a Penalty (*sub-sec. 2*), if he prove to the Court that the Loco. was constructed before the passing of this Act, and that the Tires of the Wheels are not less than 9 in. in breadth. Loco. constructed before passing of Act.

Loco. Act, 1865. Regulations for working Loco. on Public Roads, sec. 3, p. 495.
Loc. Gov. Act, 1888. Transfer of powers from County A. to County Council, sec. 3 (viii.). Power of County Borough to make Byelaws, *re Locos.*, sec. 34.
Transfer of powers under Highways and Loco. Act, 1878 (sec. 30) of Quarter Sessions Boroughs of less than 10,000 pop. to C. C., sec. 38, p. 380.

29. Person to precede Loco. when in motion. (*Repealing Sec. 3, sub-sec. 2, Loco. Act, 1865, as regards England.*)

One such person (*see Loco. Act, 1865, Sec. 3, sub-sec. 1, p. 495*), whilst the Loco. is in motion, shall precede it on foot by at least 20 yards, and shall, if requisite, assist Horses and Carriages drawn thereby, passing the same.

30. Loco. to consume its own Smoke. (*Repealing Sec. 8, Loco. Act, 1861, as regards England.*)

Penalty £5 daily for using on any Turnpike Road † or Highway any Loco. not constructed so as to consume (or *not* consuming as far as practicable) its own Smoke.

Rec. of Penalties, sec. 36.

31. Power of County and Borough A.s to make BYELAWS

* See Amendt. Loc. Gov. Act, 1888, secs. 34, 35 (4), 38, p. 379.

† See Note as to extent of Turnpike Roads, p. 492.

500 HIGHWAYS AND LOCOMOTIVES (AMENDT.) ACT, 1878.

Sec. 31. as to Hours during which Loco. may pass over Roads. (*Repealing Sec. 8, Loco. Act, 1865, as regards England.*)

The Council of any Quarter Sessions Borough,* and the County A. may make BYELAWS:—

Prohibited Hours. (a) Specifying the Hours during which a Loco. shall *not* pass over their Turnpike Roads or Highways, such hours to be consecutive, and not exceeding 8 out of the 24 hours;

Highways. (b) Regulating the use of a Loco. upon any Highway;

Bridges. (c) Preventing their use on every Bridge where, in the opinion of such A., the use would be attended with danger.

Penalty £5 for infringing any such Byelaws.

Power to make Byelaws regulating the use of Waggons, etc., drawn by animal power, and prohibiting the erection of gates, etc., sec. 26.

Loc. Gov. Act, 1888, p. 367. Power of County Borough to make Byelaws, *re* Loco., sec. 34. Power of Quarter Sessions Boroughs to make Byelaws, sec. 35 (4). Transfer of powers under Highways and Loco. Act, 1878, of Quarter Sessions Borough of less than 10,000 pop. to County Council, sec. 38. Regulations as to Bicycles, sec. 85. Maximum weight and size of Loco. and construction of Wheels, and as to specially heavy Loco., sec. 28.

32. Power of County A. to License Loco.

A County A. may make, alter and repeal Byelaws for granting annual Licences to Locos. used within their County, and the Fee, therefore (not exceeding £10).

Penalty. *Penalty* 40s. *daily* on Owner for using, or permitting Loco. to be used, without a Licence, where such is required under any Byelaw.

* * * * *

Loco. for Agri-cultural purposes. This Section is not applicable to a Loco. used solely for Agricultural purposes.

* * * * *

Rec. of Penalties, sec. 36.

Loc. Gov. Act, 1888. Transfer of powers from County A. to C. C., sec. 3 (viii.), p. 369. Transfer of powers under Highways and Loco. Act, 1878, of Quarter Sessions Boroughs of less than 10,000 pop. to C. C., sec. 38, p. 380.

33. Termination of Act.

Part II. of this Act shall remain in force so long as the Loco. Act, 1865, continues in force (see Sec. 1, p. 495).

* Amended by L. G. Act, 1888, secs. 34, 35 (4), 38, p. 379.

PART III.

PROCEDURE AND DEFINITIONS.

* * * * *

35. Confirmation of Byelaws by L. G. B.

Byelaws, or Alterations or Repeals thereto, shall be confirmed by the L. G. B., and not to be confirmed until after 1 month's Notice of intention to apply for Confirmation, has been given in a local Newspaper.

36. Penalties, Fines, Expenses, etc., to be prosecuted or recovered before a Court of S. J.

37. Form of Appeal by aggrieved parties to Quarter Sessions.

38. Definitions (*see sec. 38, p. 485*).

RAILWAY REGULATION ACTS.

ARRANGEMENT OF SECTIONS.

RAILWAY CLAUSES CONSOLIDATION ACT, 1845.

(8 VICT., CAP. 20.)

| | | | | | | |
|---|---|---|---|---|---|---|
| * | * | * | * | * | * | * |
| SECTION | | | | | | |
| 16. Works which a Railway Co. may execute. | | | | | | |
| * - | * | * | * | * | * | * |
| 18-23. Alteration to Gas and Water Pipes. | | | | | | |
| * | * | * | * | * | * | * |
| 46. Crossing of Turnpike and other Roads, Bridleways, and Footways. | | | | | | |
| 47. Level Crossings. | | | | | | |
| 48. Speed of Trains over Level Crossings adjoining Stations. | | | | | | |
| 49. Construction of Bridges over Roads. | | | | | | |
| 50. " " over Railway. | | | | | | |
| 51. Width of Bridges in certain cases. | | | | | | |
| 52. Existing Gradients of Roads crossed or diverted need not be improved. | | | | | | |
| 53. Prior to interference with Roads, others to be substituted therefore. | | | | | | |
| 54. Penalty for default under previous Section. | | | | | | |
| 55. Recovery of Damages under Sec. 53. | | | | | | |
| 56. Restoration of Roads interfered with. | | | | | | |
| 57. Penalty for non-compliance with previous Section. | | | | | | |
| 58. Co. to repair Roads used by them. | | | | | | |
| 59. Procedure by Co. on application to Justices for consent to Level Crossing over Bridleway or Footway. | | | | | | |
| 60. Appeal against Decision under previous Section. | | | | | | |
| 61. Co. to construct Approaches, Fences, etc., to Bridleway and Footway Level Crossing. | | | | | | |
| 62. Penalty for non-compliance with previous Section. | | | | | | |
| 63. Screens for Turnpike Roads. | | | | | | |
| 64. Penalty for non-compliance with previous Section. | | | | | | |
| 65. Penalty on Co. for non-compliance with Justices' Order to maintain Bridge, Approach, Fence, etc. | | | | | | |

SECTION

| | | | | | | |
|--|---|---|---|---|---|---|
| 66. Power of Bd. of T. to modify Road or Bridge. | | | | | | |
| 67. Authentication of Documents—Service of Notices. | | | | | | |
| 68. Protection of Boundary Fences, etc. | | | | | | |
| | * | * | * | * | * | * |
| 114. Locomotives to consume own Smoke. | | | | | | |
| | * | * | * | * | * | * |
| 140. Recovery of Damages, Costs, and Expenses. | | | | | | |
| | * | * | * | * | * | * |
| 145. Recovery of Damages not otherwise provided for. | | | | | | |
| | * | * | * | * | * | * |
| 162. Access to Special Act. | | | | | | |
| 163. Penalty for default under previous Section. | | | | | | |

RAILWAY CLAUSES ACT, 1863 (p. 513).

(26 & 27 VICT., CAP. 92.)

| | | | | | | |
|--|---|---|---|---|---|---|
| | * | * | * | * | * | * |
| 5. Trains not to be shunted over Level Crossing. | | | | | | |
| 6. Railway Co. to erect Lodge at Level Crossing. | | | | | | |
| 7. Bd. of T. may require Bridge in lieu of Level Crossing. | | | | | | |
| 8. Power of Co. to take Lands for execution of Works directed by Bd. of T. | | | | | | |
| 9. Access to Shore across Railway. | | | | | | |

RAILWAY CLAUSES CONSOLIDATION ACT, 1845.

(8 VICT., CAP. 20.)

An Act to consolidate in one Act certain Provisions usually inserted in Acts authorizing the making of Railways.

CONSTRUCTION of RAILWAYS * (Sec. 16).

16. Works which a Railway Co. may execute.

Subject to this and the special Act, the Co., for the purpose of constructing their Railway, or any Accommodation Works connected therewith, may—

- (a) Construct Temporary or Permanent inclined planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings or Fences, in, upon, across, under, or over any Lands, Streets, Hills, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters described in the Plans and Reference Books ;
- (b) Temporarily or permanently divert, or alter the levels of, any non-navigable Rivers, Brooks, Streams, or Watercourses, within such Lands, also of any Roads, Streets, or Ways, as they may think proper, in order to carry the same over, under, or alongside the Railway ;
- (c) Make Drains or Conduits through or under any Lands adjoining the Railway, to convey Water thereto or therefrom ; * * *
- (d) Erect and construct such Houses, Warehouses, Offices, and other Buildings, Yards, Stations, Wharfs, Engines, Machinery, Apparatus, and other Works and conveniences, as they think proper ;
- (e) Repair, alter, or discontinue the aforesaid Works, or substitute others therefor ;
- (f) Do all necessary acts for making, maintaining, altering, or using such Railway ;

* The Railway Clauses Act, 1863, sec. 4, empowers a Railway Co. to deviate from line and level of Arch, Tunnel, and other Engineering works within limits shown on deposited plans, also to substitute other Engineering Works with Consent of Bd. of T.

doing as little damage as possible, and compensating, therefor, as Sec. 16. provided by the Special Act, or any Act incorporated therewith.

* * * * *

GAS AND WATER PIPES (Secs. 18-23).

18. Alteration of Gas and Water Pipes.

The Railway Co. may, for the purpose of constructing their Railway—

(a) Raise, Sink, or otherwise alter the position of any Watercourse, or the Mains and Pipes of any Water or Gas Co., or any private Service Pipes; or

(b) Remove all other Obstructions;

the same to be done (with as little inconvenience as possible to the Superintendence by Gas, Water, and Highway, etc., A. Inhabitants) under the superintendence of the Water or Gas Co., and Persons having control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public passages and places, if after receipt of 48 hours' Notice, they think fit to attend.

Interference with, and Restoration of Roads, secs. 52-58, 66.

19. Railway Co. not to disturb pipes until others laid down.

The Railway Co. shall not remove or displace any of the Mains, Pipes (other than private service pipes), Syphons, plugs, etc., belonging to any Water or Gas Co.—or impede the flow of Water or Gas therein, until equally satisfactory Mains, Pipes, etc., have been laid down in lieu thereof, ready for use, and in a position as little varied from the pipes, etc., to be removed, as is consistent with the construction of the Railway, and to the satisfaction of the Water or Gas Co.—or, in case of dispute, as a Justice shall direct.

20. Pipes not to be laid contrary to Act—and 18 ins. depth of Road to be retained.

The Railway Co. shall not—

(a) Lay down any pipes contrary to any Act relating to such Water or Gas Co.; or

(b) Lower any Road without leaving 18 ins. depth from Road surface to crown of pipes.

21. Railway Co. to make good all Damage done to Water and Gas Co.'s property, and Compensate all Parties sustaining Damage by reason of Interference with Mains, Pipes, etc., or with Private Service Pipes.

22. Where Railway crosses Water or Gas Mains or Pipes, Railway Co. to construct and maintain Culverts enclosing same and admitting of access for Repairs.

23. Daily Penalty £20 for Interruption by Railway Co. of Water or Gas Supply, by any such Operations (*secs. 18-22*).

Rec. of Penalties, sec. 145.

* * * * *

LEVEL CROSSINGS, ETC. (SECS. 46-48).

(Also see Secs. 59-62, and Railway Clauses Act, 1863, Secs. 5-9.)

46. Crossing of Turnpike * and other Roads, Buildings, and Footways.

If any Railway crosses a Turnpike Road * or Public Highway, either such Road shall (except where otherwise provided by the Special Act) be carried over the Railway or the Railway carried over the Road by means of a Bridge, of Height, Width, and Gradients as provided by this (*secs. 49-52*) or the special Act.

Co. to maintain Bridge and Approaches. Such Bridge and Approaches, and all other necessary Works connected therewith, to be executed, and at all times thereafter, *maintained at the Co.'s expense*. (*Construction of Bridges, secs. 49-51.*)

Provided that—

In certain cases Level Crossing may be made. With the consent of 2 Justices * * * the Co. may Cross any Highway other than a Public Carriage Road on the Level (*secs. 59, 60*).

Alteration to Gas and Water Pipes, *secs. 18-23*. Provisions *re* Level Crossings, sec. 47. Construction of Bridges, *secs. 49-51*. Interference with and Restoration of Roads, *52-56, 66*. Application to Justices for Consent to Bridleway or Footway Level Crossing, *secs. 59, 60*. Co. to repair Roads used by them, sec. 58. Approaches and Fences to Bridleway and Footway Level Crossings, *secs. 61, 62*. Screen to Turnpike Road, sec. 63. Protection of Boundary Fences, etc., sec. 68. Also:—

Railway Clauses Act, 1863, p. 513. Co. to erect Lodge at Level Crossing, sec. 6. Bd. of T. may require Bridge in lieu of Level Crossing, sec. 7. Co. to provide Access to Shore or Tidal Water, sec. 9.

47. Level Crossings.†

(1) Where any Railway crosses a Turnpike,* or other Public Carriage Road, the Co. shall—

* The Annual Turnpike Acts Continuance Act, 1872, sec. 13, provides that such of the provisions of the Railway Clauses Consolidation Act, 1845, as apply to the crossing over or interference with Turnpike Roads, shall continue in force in relation to any Road which, having been a Turnpike Road before the passing of the Act, has become an ordinary Highway.

Also see Note, p. 492, as to extent of Turnpike Roads.

† The Regulation of Railways Act, 1842, sec. 13, as to "Alteration to Dangerous Level Crossings," enacts that where any Railway Co. is willing at its own expense to carry any Turnpike Rd., Highway, Private Road, or Tramway over or under their Railway by a Bridge in lieu of a Level Crossing, the Bd. of T. may * * * (if it appears to them that such Crossing endangers public safety, and that the proposal does not violate existing interests without adequate Compensation) empower the Co. to remove the danger either by a Bridge or other arrangement, subject to any conditions they may direct.

(a) Erect and maintain good and sufficient Crossing Gates; Sec. 47.
 (b) Employ efficient persons to open and shut such Gates.

(2)* Such Gates to be—

(c) Kept constantly closed *across such Road* except when opened for passage of Vehicles, etc. ;

(d) So constructed as to prevent Cattle, Horses, etc., passing from the Road on to the Railway. (*Protection of Fences, etc., sec. 68.*)

Penalty 40s. on the Custodian for each default to close such Gates as soon as the Cattle, etc., have passed over the Level Crossing.

(3)* Provided that—

Where the Bd. of T. deem it more conducive to public safety, they may Require such Gates to be kept closed *across the Railway* instead of across the Road, under a similar penalty as aforesaid (40s.) for each default.

Co. to construct Approaches, Fences, etc., to Bridleway and Footway Level Crossings, sec. 61. Screens to Turnpike Road, sec. 63. Maintenance of Gates, Fences, etc., sec. 65. Rec. of Penalties, sec. 145.

Highway Amendt. Act, 1839. Co. to maintain Level Crossing Gates, sec. 1, p. 458.

Railway Clauses Act, 1863. See References to previous sections.

48. Maximum Speed of Trains at Turnpike Road Level Crossings adjoining Stations, 4 miles an hour.

Railway Clauses Act, 1863. Trains not to be shunted over Level Crossings sec. 5, p. 513.

CONSTRUCTION OF BRIDGES (SECS. 49-51).

(See also Secs. 46, 65, 66.)

49. Construction of Bridges over Roads.†

| | Width of Arch. | Clear height of Arch above surface of Road. | | | Clear height at springing of Arch. | Maximum gradients of Approaches.‡ |
|-------------------------|------------------------------|---|---------------------|--------------------|------------------------------------|-----------------------------------|
| | | For space of 12 ft. | For space of 16 ft. | For space of 9 ft. | | |
| Turnpike Rd. ... | 35 ft. | 16 ft. | | | 12 ft. | 1 in 30 |
| Public Carriage Rd. ... | 25 ft. | | 15 ft. | | 12 ft. | 1 in 20 |
| Private Rd. ... | 12 ft. | | | 14 ft. | | 1 in 16 |
| | <i>See proviso, Sec. 51.</i> | | | | | <i>See proviso, Sec. 52.</i> |

Maintenance of Bridges, Approaches, etc., secs. 46, 65. Co. to repair Roads used by them, sec. 58. Screen to Turnpike Road, sec. 63. Power of Bd. of T.

* These provisions are practically similar to those enacted by sec. 9, Regulation of Railways Act, 1842.

† Except where otherwise prescribed by the Special Act.

‡ Except if a Tram or Railroad, when the gradient shall be as prescribed or where not prescribed, not greater than as existing at the passing of the Special Act.

508 RAILWAY CLAUSES CONSOLIDATION ACT, 1845.

Sec. 49. to modify Construction of Bridges, etc., sec. 66. Protection of Boundary Fences, etc., sec. 68.
Loco. Act, 1861. Damage to Bridges by Loco., sec. 7, p. 493.
Railways Clauses Act, 1863. Power of Bd. of T. to require Bridge in lieu of Level Crossing, sec. 7, p. 513.

50. Construction of Bridges over Railway.*

| | Height of Fence on either side of | | Clear space between Fences. | Maximum gradients of Approaches.† |
|----------------------------|-----------------------------------|-----------|-----------------------------|-----------------------------------|
| | Bridge. | Approach. | | |
| Turnpike Rd. | 4 ft. | 3 ft. | 35 ft. | 1 in 30 |
| Public Carriage Rd. | Do. | Do. | 25 ft. | 1 in 20 |
| Private Rd. | Do. | Do. | 12 ft. | 1 in 16 |
| | | | See proviso, Sec. 51. | See proviso, Sec. 52. |

See References to previous Section.

51. Width of Bridges need not exceed Width of Road in Certain Cases. (*Proviso to secs. 49, 50, ante.*)
Provided that—

- (1) Where the average available Width for Vehicular Traffic of any Road within 50 yards of the Proposed Bridge is less than that prescribed (*secs. 49, 50*), the Bridge need not be wider than such available average, but with a minimum Width in the case of a Turnpike or Public Carriage Road Bridge of 20 feet.
- (2) If after the construction of such Bridge, the average available Width of such Road be increased on either side of the Bridge, the Co. shall, at their own expense, increase the width of the Bridge to the extent required by the * * * Road A., not exceeding the widened width of the Road, or the width specified in this (*secs. 49, 50*) or the Special Act in a like case.

See References to Sec. 49, *ante*.

INTERFERENCE WITH AND RESTORATION OF ROADS ‡ (*Secs. 52-58*).

(See also Sec. 66.)

52. Existing Gradients of Roads Crossed or Diverted need not be improved. (*Proviso to secs. 49, 50.*)

* Except where otherwise prescribed by the Special Act.
† Except if a Tram or Railroad, when the gradient shall be as prescribed, or where not prescribed not greater than as existing at the passing of the special Act.
‡ Abandonment of Railways Act, 1850, sec. 50. Provides that where Roads have been carried across abandoned Railway Line by Bridge or Tunnel, the Railway Co. shall compensate in lieu of keeping Bridge, etc., in repair, except where Road is restored to its former state.

Provided that if the existing Gradient of—

Sec. 52.

(a) Any Roads within 250 yards from the Bridge; or

(b) Such portion of any Road as may require to be altered, or for which any other Road shall be substituted;

shall be steeper than that prescribed (*secs.* 49, 50), then the Co. may construct such Road crossing the Railway (*sub-sec. a*) or such altered or substituted Road (*sub-sec. b*) at a not steeper gradient than the existing gradient.

Maintenance of Bridge Approaches, *sec.* 46 (2). Construction of Bridges and Approaches, *secs.* 49–51. Co. to repair Roads used by them, *sec.* 58. Power of Bd. of T. to modify Bridges and approaches, *sec.* 66. Protection of Boundary Fences, etc., *sec.* 68.

Railway Clauses Act, 1863. Bd. of T. may require Bridge in lieu of Level Crossing, *sec.* 7, p. 513.

53. Prior to Temporary Interference with Roads, others to be substituted therefore.

Where (acting under powers of this and the Special Act) it is requisite to cross, cut through, raise, sink, or use any part of *any Road whatsoever*, public or private, so as to render it impassable, dangerous, or extraordinarily inconvenient for vehicular or foot traffic, the Co. shall, prior to interference therewith, substitute (and maintain) an equally convenient (as far as possible) Road therefore.

Alteration to Gas and Water Pipes, *secs.* 18–23. Penalty for Default, *sec.* 54.

54. Daily Penalty £20 for interference with Existing Road prior to making the Substituted Road (*sec.* 53).

Penalty for interrupting flow of Gas or Water in Pipes, *sec.* 23. Rec. of Penalty in any Superior Court, *sec.* 54.

55. Recovery of Damages by rightful Users suffering special Injury by reason of interruption of Road (*sec.* 53).

56. Restoration of Roads interfered with (*sec.* 53).

(1) If compatible with the formation and use of the Railway, the Road interfered with shall be restored to as good a condition (or as near as possible) as theretofore.

(2) If not so compatible, the new (or substituted Road) or some other substituted Road, shall be put into as permanently substantial a condition (and equally convenient) as the former Road,

(3) Such Restoration to be completed—

(a) If a Turnpike Road,* within 6 months.

(b) If not a do. 12 do.

Time of
com-
pletion.

from the commencement of operations to the former Road, unless the time be extended by the Road A.

Interference with and Restoration of Roads, *secs.* 52–55. Co. to repair Roads used by them, *sec.* 58. Power of Bd. of T. to modify Restoration, etc., of Roads, *sec.* 66.

* See Notes, p. 506, as to Turnpike Roads.

57. Daily Penalty £5 for non-compliance with previous Section.

Rec. of Penalty, sec. 145.

58. Co. to repair Roads used by them.

The Co. shall from time to time make good all damage done by their *use* or interference with any Road.

Disputes thereon to be settled by 2 Justices, who may direct the Co. to make the necessary Repairs within a specified time.

Penalty £5 *daily* for non-compliance.

* * * * *

Maintenance of Bridges and Approaches, sec. 46 (2). Interference and Restoration, etc., of Roads, secs. 52-58, 66. Protection of Boundary Fences, etc., sec. 68. Rec. of Penalties, sec. 145.

LEVEL CROSSINGS (Secs. 59-62).

(Also see Secs. 40-48, and Railway Clauses Act, 1863, Secs. 5-9).

59. Mode of Proceeding by Co. on Application to Justices for Consent to cross any Highway other than a Public Carriage Road on the Level (*sec.* 46).

Bridleway and Footway Level Crossings, sec. 46 (sub-sec. 3). Approaches and Fences to Bridleway and Footway Crossings, secs. 61, 62.

60. Appeal against Justices' Decision under previous Section.

61. Co. to construct Approaches, Fences, etc., to Bridleway and Footway Level Crossings.

The Co. shall make and maintain, on either side of a Level Crossing over a—

(a) Bridleway, good and sufficient Gates,

(b) Footway, „ „ or Stiles

in either case, making and maintaining convenient gradients and other Approaches, with Handrails or other Fences.

Provisions, *re* Level Crossings, sec. 47. Interference with and Restoration of Roads, secs. 52-58, 66. Maintenance of Bridges, Approaches, Fences, etc., sec. 65. Protection of Works, sec. 68.

Railway Clauses Act, 1863, p. 513. Trains not to be shunted on Level Crossings, sec. 5. Co. to erect Lodge at Level Crossing, sec. 6. Bd. of T. may require Bridge at Level Crossing, sec. 7. Co. to provide Access to shore of Tidal Water, sec. 9. Alteration to dangerous Level Crossings, see footnote, p. 506.

62. On Failure of Co. to construct Works under previous Section, where Railway crosses any Highway,* Justice may on Application of Road Surveyor or two inhabitant Householders, order Co. to construct such Works (*sec.* 61) within a specified time.

Penalty £5 *daily* for non-compliance with Order.

Rec. of Penalty, sec. 145.

* Inclusive of Carriageway (not included in Sec. 61).

SCREEN (Secs. 63, 64).

63. Screens for Turnpike Roads,* etc., to be provided if required by Bd. of T.

If any Highway A. apprehends danger from the frightening of Horses by Engines and Trains, they may, after 14 days' Notice to the Co., apply to the Bd. of T. thereupon, which Bd. *may* require the Co. to construct, within a specified time, a Screen (or similar Works) near to, or adjoining, the side of any Turnpike Road or Highway.

Penalty for non-compliance, sec. 64.

64. *Daily Penalty* £5, for non-completion of Works required under previous Section, within specified time.

Rec. of Penalty, sec. 145.

CONSTRUCTION OF BRIDGES (Secs. 65, 66).

(See also Secs. 46, 49-51).

65. Power of Justices to Order Repair of Bridges, etc.

Where the Co. are required by Act to maintain any Bridge, Fence, Approach, Gate, etc., 2 Justices *may*, on application of Road Surveyor (made after 10 days' Notice to Co. or any 2 inhabitant Householdholders) order the Co. to repair such Works within a specified time.

Daily Penalty £5 for non-compliance with order.

Protection of Works, sec. 68. Rec. of Penalties, sec. 145. Loco. Act, 1861: Damage to Bridges by Loco., sec. 7, p. 493.

66. Power of Bd. of T. to modify Construction, Alteration, or Restoration of any Road or Bridge, where strict compliance with Act is impossible or inconvenient and without adequate public advantage.

Alteration to dangerous Level Crossings, see footnote, p. 506.

67. Authentication of Bd. of T. Certificate (under secs. 63, 65, 66), Notices and Documents, also as to Service of Notices.

68. Protection of Boundary Fences, etc.

The Co. shall make and maintain * * * *
sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences for
Separating the Railway Land from adjoining Lands, and for pro-
tecting such Lands from Trespass. * * * *

* See Notes, p. 506, as to Turnpike Rds.

Sec. 68. Gates to Level Crossings, sec. 47. Maintenance of Bridges, Approaches, Fences, etc., sec. 65.

Under the Regulation of Railways Act, 1842 (5 & 6 Vict., cap. 55), sec. 10, the Railway Co. are to erect and Maintain Fences throughout the whole of their Lines, for public safety.

* * * * *

SMOKE NUISANCE.

114. Locomotives to consume their own Smoke.

Daily Penalty £5 on Railway Co. for using any Locomotive not constructed so as to consume its own Smoke.

* * * * *

DAMAGES, PENALTIES.

140. Recovery of Damages, Costs, Expenses.

* * * * *

145. Recovery of Penalties.

* * * * *

ACCESS TO SPECIAL ACT.

162. Copies of Special Act to be kept, deposited, and allowed to be inspected.

The Railway Co. shall, after 6 months from the passing of the Special Act—

(a) Keep in their principal Office; and

(b) Deposit with each of the Clerks of Peace of the several Counties affected,

a Copy of such Special Act, which shall be open for inspection by all interested persons who may take extracts or copies therefrom.

Rec. of Penalties, sec. 145.

163. *Penalty* £20 and £5 *daily* for Default under previous Section.

* * * * *

RAILWAY CLAUSES ACT, 1863.*

(26 & 27 VICT., CAP. 92.)

* * * * *

LEVEL CROSSINGS.

(See also "Railway Clauses Consolidation Act, 1845, Secs. 46, 47, 59-62).

5. Trains not to be shunted over Level Crossings.

The Co. shall not, in shunting Trains, pass them over Level Crossings, across any Turnpike, or public Carriage Road, or allow any Train, Engine, Carriage, or Truck, to stand across the same.

Maximum Speed of Trains at Turnpike Road Level Crossings, sec. 48, p. 507.

6. Co. to erect Lodge at Level Crossing.

The Co. shall erect and maintain a Lodge where a Level Crossing over a Turnpike, or public Carriage Road occurs; and shall be subject to all Regulations made from time to time by the Bd. of T. with respect to (a) the Crossing thereof on the level, and (b) to the speed of Trains passing thereover (sec. 48, p. 507).

Penalty £20, and £10 daily for default.

Railway Clauses Consolidation Act, 1845, p. 502. Provisions, *re* Level Crossings, secs. 46, 47. Speed of Trains over Level Crossing near Stations, sec. 48. Screen to Turnpike Rd., sec. 63.

7. Bd. of T. may require Bridge instead of Level Crossing.

If the Bd. of T. deem it necessary for public safety, they may require the Co., at their own expense, within a specified time,

(a) To carry any Turnpike, or public Carriage, Road either under or over the Railway, by means of a Bridge or Arch, instead of crossing on the level; or,

(b) To execute any other Work as may appear to such Bd. best adapted for removing or diminishing danger.

* * * * *

Construction, etc., of Bridges over and under Railway, Secs. 46, 48-51, 65, 66, p. 506.

* For contents see p. 503.

8. Power of Co. to take additional Lands for Works directed under previous Section.

(NOTE.—Under the Regulation of Railways Act, 1842 (5 & 6 Vict., cap. 55), sec. 15, the Bd. of T. may extend the Company's Powers for Compulsory purchase of Land for Works to enhance public Safety.)

9. Co. to provide means of Access across Railway to Shore or Tidal Water or Tidal Lands.

BYELAWS.

| | | | | PAGE |
|---------------------------|-----|-----|-----|------|
| NEW STREETS AND BUILDINGS | ... | .. | | 517 |
| ALTERATIONS TO BUILDINGS | ... | .. | | 575 |
| CLEANSING OF FOOTWAYS | } | ... | ... | 579 |
| REMOVAL OF REFUSE | | | | |
| REMOVAL OF SNOW | ... | ... | ... | 580 |

| | | | | |
|--|-----|-----|-----|-----|
| SUBJECTS ON WHICH A LOCAL AUTHORITY MAY MAKE | | | | |
| BYELAWS | ... | ... | ... | 582 |

MODEL BYELAWS

WITH RESPECT TO

NEW STREETS AND BUILDINGS.

(MADE UNDER SEC. 157, PUBLIC HEALTH ACT, 1875.)

CONTENTS.

PRELIMINARY.

Exempted Buildings.
Definitions.

NEW STREETS.

NO.

1. Level of New Streets.
2. Width do.
3. Carriage Roads.

NEW BUILDINGS.

FOUNDATIONS AND WALLS.

4. Insanitary Sites and Concreted Surfaces.
5. Structure of Walls.
6. Walls to be true and plumb.
7. Angles to be properly bonded.
8. Footings.
9. Damp Course.
10. Measurements of Storeys and Walls.
11. Definition, etc., of Cross Walls.
12. Schedule of thickness of Walls of Domestic Buildings.
13. Do. do. Public and Warehouse Buildings.
14. High Storeys.
15. Piers.
16. Openings in External Walls.
17. No openings in party Wall.
18. Recesses in Walls.

NO.

19. Chases in Walls.
20. Girders and Bresssummers.
21. Woodwork in External Walls.
22. Timber in Party Walls.
23. Partition Walls.
24. Parapets.
25. Party Walls to be corbelled at Eaves.

CHIMNEYS AND FLUES.

26. Chimney Foundations.
27. Support of Chimney Breast above openings.
28. Thickness of Brickwork about Flues.
29. Brickwork around Flue of Hotel Furnace or Cooking Range to be extra thickness.
30. Thickness of Chimney Backs.
31. Flue at less angle than 45° .
32. Chimney supported on Arch.
33. Minimum height for Chimneys.
34. Maximum do.
35. Flues to be Pargeted.
36. Face of Brickwork about Flues to be rendered.
37. Back of Flue to be rendered.
38. Metal Holdfasts near Flues.
39. Timber near Flues.
40. Ventilating Valves, Smoke-pipes, etc.

ROOFS.

41. Roofs to be covered with incombustible materials.

AIR SPACE AND VENTILATION.

42. Air Space in front of Domestic Buildings.
43. Air Space at rear of do.
44. Such Open Spaces not to be diminished.
45. Ventilation of Domestic Buildings.
46. Do. do. and other Buildings.
47. Do. of Public Buildings.

DRAINAGE.

48. Drainage of Subsoil.
49. Level of lowest Storey to allow of effectual Drainage.
50. Materials for Drains.
51. Drains not to pass under Buildings.

NO.

52. Drain Inlets to be properly trapped.
53. Drain to be disconnected from Sewer by Trap.
54. No right-angled Junctions to be used.
55. Ventilation of House Drains.
56. No Inlets to Drain within Building except from W.C.
57. Soil pipe.
58. Waste pipe.
59. Waste pipe of Slop Sink to be as Soil pipe to W.C.

WATER-CLOSETS, EARTH-CLOSETS, PRIVIES, ASHPITS, AND CESSPOOLS.

60. Situation and Ventilation of W.C. and E.C.
 61. W.C. Flush Cistern and Apparatus, Pan, etc.
 62. Reservoir for Deodorants,
 63. Receptacle for Filth,
 64. Fixed Receptacle,
 65. Movable Receptacle,
 66. Distance from Building,
 67. Do. Water supply,
 68. Removal of Contents without passing through Building,
 69. Not to Communicate with Sewer or Drain,
 70. Ventilation,
 71. Floor,
 72. Fixed Receptacle,
 73. Movable do.
 74. Capacity and Mode of Construction of Ash-pit (see also Nos. 66-69).
 75. Construction of Cesspool (see also Nos. 66-69).
- } Earth-closets (also see No. 60).
- } Privies, Ash-pits,
Cesspools (see
also Nos. 70-
75).
- } Privies (see also Nos. 66-69).

HOUSES UNFIT FOR HUMAN HABITATION (No. 76).

NOTICES, DEPOSIT OF PLANS, INSPECTION, ETC.

77. Notice, Plan, and Section of New Streets.
78. Do. do. New Buildings.
79. Notice to be given before commencing Work.
80. On Default of Notice, Surveyor may order Work to be cut into.
81. Irregular Work to be amended.
82. Notice to be given on amendment of Irregularities.
83. Surveyor to have free access.
84. Notice to be given on Completion of Street or Building.

PENALTIES (No. 85).

POWER TO REMOVE IRREGULAR WORK (No. 86).

NEW STREETS AND BUILDINGS.

MODEL BYELAWS

OF THE

LOCAL GOVERNMENT BOARD

MADE UNDER THE

PUBLIC HEALTH ACT, 1875 (Sec. 157, p. 47).

(For Additional Byelaws made under the Public Health Acts Amendment Act, 1890, sec. 23, p. 563).

*Buildings exempt from above Byelaws.**

- Her Majesty's Buildings. Any Building in Her Majesty's possession, use, or intended use, or service.
- Lunatic Asylums, Session Houses, etc. Any County or Borough Lunatic Asylum, Sessions House, or other Public Building belonging to, or wholly and permanently occupied by, the County, City or Borough Justices of the Peace.
- Prisons. Any Goal, House of Correction, Bridewell, Penitentiary, or other Prison, and any Building contiguous thereto occupied or intended to be occupied by any Prison Officer.
- River, Canal, etc., Authority's Buildings. Any Building (not being a Dwelling-house) belonging to any Persons authorized by Act to navigate, or use, any River, Canal, Dock, Harbour, or Basin, or to demand Tolls or Dues in respect thereof; and used or intended to be used exclusively under the provisions of such Act for the purposes of such River, Canal, etc.

* For Additional Byelaws exempting Iron Buildings, see p. 553.

Any Building (not being a Dwelling-house) erected, or intended to be erected, and used for the working of any Mine Mine Buildings.

Any Building erected, or intended to be erected, under the "Improvement of Land Act, 1864," or other Acts for the Improvement of Land administered by the Enclosure Commissioners for England and Wales. Buildings under the Improvement of Land Act.

Any Building not exempt under the preceding Clauses, erected, or intended to be erected, in accordance with a Plan approved in pursuance of any statutory provision in that behalf by one of Her Majesty's Secretaries of State. Buildings approved by Her Majesty's Secretary of State.

Any Building used (or intended) as a Plant, Orchard, Summer, Poultry-house, or Aviary, wholly detached and 10 ft. distant at least from any other Building; heated only by hot water, and with all fireplaces and flues detached. Plant, Orchard, Summer or Poultry House, or Aviary.

Any Building not being a Public Building and not being constructed or adapted to be used either wholly or partially for Human Habitation or as a place of Habitual Employment in any Trade, Manufacture, or Business, and— Isolated Buildings.

(a) not exceeding 30 ft. in height (from the Footings) and 125,000 cub. ft. in extent and distant at least 8 ft. from any Street and 30 ft. from any Building or adjoining Lands or Premises; or,

(b) if exceeding 30 ft. in height and 125,000 cub. ft. in extent and distant at least 30 ft. from any Street and 60 ft. from any Building or adjoining Lands or Premises.

Any Building erected (or intended) for use solely as a temporary Hospital for dangerous Infectious Diseases. Temporary Hospitals.

DEFINITIONS.

| | |
|------------------|---|
| "Base" | The underside of the course next above the Footings. |
| "Topmost Storey" | The uppermost Storey whether constructed wholly or partially in the Roof or not, and whether used or constructed or adapted for Human Habitation or not. |
| "Party Wall" | (a) A Wall used, or to be used, in any part of its height or length for separation of adjoining Buildings owned or occupied, or adapted for occupation by different Persons; or— (b) A Wall standing in any part of its length, to a greater extent than the projection of the Footings, on grounds of different Owners. |

| | |
|-----------------------------------|---|
| "External Wall". | An outer Wall, not being a "Party Wall," though adjoining a Wall of another Building. |
| "Public Building" | A Building used, or constructed or adapted to be used, either ordinarily or occasionally as a— (a) Church, Chapel, or other place of Public Worship; (b) Hospital, Workhouse, College, School (not being merely a Dwelling-house so used), or Theatre; (c) Public, Hall, Concert Room, Ball Room, Lecture Room, or Exhibition Room, or as a Public place of assembly, or for any other Public purpose. |
| "Warehouse" | A Warehouse, Factory, Manufactory, Brewery, or Distillery. |
| "Domestic Building" | Any Building not being a "Public Building," or a "Warehouse," but including a Dwelling-house. |
| * "Dwelling-house" | A Building used, constructed, or adapted to be used, wholly or principally for Human Habitation. |
| "Width" (applied to a New Street) | The whole extent of space (exclusive of any steps or projections) measured at right angles to the course of such Street. |

NEW STREETS (Nos. 1–3).

With respect to the Level, Width, and Construction of New Streets.

REFERENCES.

P. H. Act, 1875 : Penalty for building under Streets in U. District, sec. 26. Power to compel paving, etc., of private Streets, secs. 150–152. Power of U. A. to purchase premises for Improvement of Streets, sec. 154. Power to regulate line of Buildings, sec. 155. Buildings not to be brought forward, sec. 156.

Private Street Works Act, 1892 : Paving, etc., of Private Streets, p. 121.

P. H. Act Amendt. Act, 1890 : Repair of Cellars under Streets, sec. 35, p. 113. Byelaws as to (a) New Streets and Buildings, and (b) alterations to Buildings, sec. 23, p. 109. Adoption of Private Streets, sec. 41, p. 116.

Towns Impt. Clauses Act, 1847, p. 149 : Naming and numbering of Streets, secs. 64, 65. Improving the line of Streets, and removing Obstructions and Projections, secs. 66–70. Future doors to open inwards, sec. 71. Doors opening outwards may be altered by U. A., sec. 72. Coverings to Cellar Doors, sec. 73. Hoards to be set up and precautions to be observed during construction of Sewers, Streets, and Houses, secs. 79–83.

Towns Police Clauses Act, 1847, p. 159 : Penalty for Obstructions and Nuisances in Streets (including the deposit or unloading of Building, etc., Materials, insufficient fencing and lighting to excavations), sec. 28.

1. Level.

The Levels shall be such as will—

(a) afford the easiest practicable gradients throughout

* Buildings described in deposited plans otherwise than as Dwelling-house not to be used as such. P. H. Acts Amendt. Act, 1890, sec. 33, p. 112.

the entire length for securing easy communication Sec. 1.
with existing or intended Streets;

- (b) allow of compliance with the provisions of any Statute or Byelaw in force within the District for the regulation of New Streets and Buildings.

Deposit of Plans and Sections of New Streets, Notices, etc., Nos. 77-86.

2. Width (*def. p. 522*)—

(1) Carriage Roads to be 36 ft. wide (minimum).

(2) Streets exceeding 100 ft. in length to be laid out as Carriage Roads.

(3) Streets other than Carriage Roads to be 24 ft. wide (minimum), except any Road * which is merely a separate means of access to any Premises (not being the principal approach thereto) for the purpose of removing the contents of any Privy, Ash-pit, or Cesspool without carrying the same through any Dwelling-house, Public Building, or Building in which any Person may be employed in any manufacture, trade, or business.

(4) Every Street shall have an Entrance, at one end at least, of the full Width of such Street and open from the ground upwards.

P. H. Act Amendt. Act, 1890 : Provision for keeping Common Courts and Passages clean, sec. 27, p. 111.

3. Street laid out as a Carriage Road.

(1) *Carriageway* to be 24 ft. wide (minimum), and to curve or fall $\frac{3}{8}$ in. to $\frac{3}{4}$ in. per foot from the centre towards the Channels.

(2) *Footway* to be on either side, each to be one-sixth of the entire Width of the Street, and to fall $\frac{1}{2}$ in. (or if paved, flagged, or Asphalted, $\frac{1}{4}$ in. to $\frac{1}{2}$ in.) per ft. towards the Kerb.

(3) *Kerb* to be from 3 in. to 7 in. above the Channel, except in the case of Crossings.

P. H. Act Amendt. Act, 1890 : Secondary means of access for Removal of House Refuse, etc., sec. 23, p. 109, also Byelaw No. 1, p. 565.

* For Byelaw specifying a width of such Road, see p. 553.

NEW BUILDINGS (Nos. 4-59).

With respect to the structure of Walls, Foundations, Roofs, and Chimneys of New Buildings, for securing stability and the prevention of fire, and for purposes of health.

REFERENCES.

P. H. Act, 1875: Penalty for building over Sewers in U. District, sec. 26. Powers of L. A. to require Houses to be supplied with water, sec. 62. Power to regulate line of Buildings, sec. 155. Buildings not to be brought forward sec. 156. Definition of New Buildings, sec. 159.

P. H. Act Amendt. Act, 1890, p. 97: Byelaws as to (a) New Streets and Buildings, and (b) Alteration to Buildings, sec. 23. Buildings described in deposited plans otherwise than as Dwelling Houses not to be used as such, sec. 33. Hoards to be set up during progress of Buildings, sec. 34. Repair of Cellars under Streets, sec. 35. Means of ingress and egress from or to places of Public Resort, sec. 36. Safety of Platforms, etc., erected or used on public occasions, sec. 37. Rooms over Privies, etc., sec. 24.

Towns Impt. Clauses Act, 1847, p. 149: Numbering of Houses, sec. 65. Improving the line of Streets and removing Obstructions, Projections, etc., secs. 66-70. Doors to open inwards, and existing doors opening outwards to be altered, secs. 71, 72. Coverings of Cellar Doors, sec. 73. Waterspouts to be affixed to Buildings, sec. 74. Ruinous and Dangerous Buildings, secs. 75-78. Hoards to be set up and precautions observed during construction of Sewers, Streets, and Houses, secs. 79-83.

Towns Police Clauses Act, 1847, p. 159: Penalty for Obstructions and Nuisances in Streets (including the deposit or unloading of Building Materials, insufficient fencing and lighting to Excavations), sec. 28.

P. H. (Water) Act, 1878, p. 190: Provision of Water Supply in R. Districts where no available supply, secs. 3, 6, 7. Supply of Water to Stand pipes, sec. 9.

FOUNDATIONS AND WALLS (Nos. 4-25).

4. Foundations*—

(1) No Foundation shall be constructed on any Site filled up with, or upon which has been deposited, material impregnated with Fæcal, Animal, or Vegetable Matter, until the same has been removed.

(P. H. Act Amendt. Act, 1890: Where this Act is adopted, the above Byelaw is superseded by sec. 25 of that Act, p. 111.)

(2) The whole ground surface of any Domestic Building

* For Additional Byelaws, see. 4 a, 4 b, p. 553.

(*def.* p. 522) shall be properly Asphalted, or covered with Sec. 4. good Cement Concrete 6 ins. thick, rammed solid.

Footings No. 8.

P. H. Act Amendt. Act, 1890 : Paving of Yards, sec. 23, p. 109, and Byelaw No. 2, p. 565.

5. Structure of Walls *—

(1) Every Building shall be enclosed with Walls of the respective thicknesses given in the Schedules (*Nos.* 12 and 13).

(2) All Walls (External, Party, and Cross Walls) to be constructed of good Bricks (9 ins. long), Stone, or other hard and incombustible materials (the beds or courses being horizontal) properly bonded, and solidly put together with—

- (a) Mortar, compounded of good Lime and clean sharp Sand, or other suitable material; or
- (b) good Cement; or
- (c) good Cement mixed with clean sharp Sand.

Provided that—if built of Stone, clunches of Brick, or other burnt or vitrified material (the beds or courses not being horizontal) the thicknesses given in the Schedules to be increased by one-third. Thickness of Walls.

A Wall built of other suitable material may be constructed of the respective thicknesses prescribed in Byelaws 12 and 13.

Def. of External and Party Walls, p. 521. Cross Walls, Byelaw No. 11.

6. Walls to be true and plumb.

No part of any Wall (except architectural projection or proper corbel) to overhang.

7. All angles of Walls to be properly bonded.

8. Footings of Walls—

(1) Every Wall to rest upon proper Footings, such Footings—

* For proviso for Hollow Walls, Half-timber Walls, and Walls of Brick and Flintwork, see p. 554.

Sec. 8.

- (a) to rest upon the solid ground, Concrete, or some solid and sufficient substructure ;
 (b) to be in regular offsets, or one offset ;
 (c) in depth to equal $\frac{2}{3}$ of, and projection on each side $\frac{1}{2}$ of, the thickness of the Wall.

(2) Footings may be omitted where an adjoining Wall interferes.

9. Damp Course in Walls.*

Every Wall to have a Damp Course of Sheet Lead, Asphalte, Slates in Cement, or other durable material impervious to moisture, laid beneath the level of the lowest Timbers, and 6 ins. above the surface of the ground adjoining such Wall.

10. Measurement of Height of Storeys, and Height and Length of Walls.

| | Mode of Measurement. |
|-------------------------------|--|
| "Topmost Storey" | From surface of Floor to underside of the Tie of the Roof, or, if no Tie, to half the vertical height of the Rafters, or other support of the Roof (<i>def. Topmost Storey, p. 521. Height of Rooms, Byelaw No. 3 (under P. H. Act Amendt. Act, 1890, sec. 23, p. 566).</i> |
| "Storey" (other than Topmost) | From the surface of the Floor of the one Storey to the surface of the Floor of the Storey next above it. |
| "Wall" | From top of Footings to highest part of the Wall, or, if a Gable, to half the height of the Gable. |
| "Length of Wall" | From centre of one Wall to centre of another, provided they be External, Party, or Cross Walls (<i>def. External and Party Walls, p. 521. Cross Walls, Byelaw No. 11.</i>) |

11. Cross Walls.

- (1) A Wall not to be deemed a Cross Wall unless—
 (a) carried to the top of the Topmost Storey ;
 (b) of $\frac{2}{3}$ the thickness of an External or Party Wall (*def. p. 521*) of the same height and length, and in no case less than 9 ins. thick ;
 (c) the aggregate extent of the vertical faces of the Recesses and Openings in each Storey do not exceed $\frac{1}{2}$ that of the Wall in such Storey.
- (2) Where a Cross Wall supports a superincumbent

* For Additional Byelaw as to Storey below Ground Level, see 9 a, p. 556.

External Wall, the whole to be of the same thickness as Sec. 11. an External or Party Wall of the same height and length.

12. SCHEDULE OF THE THICKNESSES OF EXTERNAL AND PARTY WALLS OF DOMESTIC BUILDINGS.

Def. External and Party Walls, Domestic Buildings, p. 521.

| Height up to | Length up to | | | | Length unlimited. | |
|-----------------|---|-----|---|-----|--|---|
| | 30 ft. | | 35 ft. | | | 45 ft. |
| 100 ft. | ... | ... | ... | ... | One storey, 26 ins. Two storeys, 22 ins. Three storeys, 18 ins. Remainder, 13½ ins. | |
| 90 ft. | ... | ... | ... | ... | One storey, 26 ins. One storey, 22 ins. Three storeys, 18 ins. Remainder, 13½ ins. | |
| 80 ft. | ... | ... | ... | ... | One storey, 22 ins. Three storeys, 18 ins. Remainder, 13½ ins. | |
| 70 ft. | ... | ... | ... | ... | One storey, 22 ins. Two storeys, 18 ins. Remainder, 13½ ins. | |
| 60 ft. | ... | ... | ... | ... | Two storeys, 18 ins. Remainder, 13½ ins. | |
| 50 ft. | One storey, 18 ins. Rest of wall below topmost storey, 13½ ins. Topmost storey, 9 ins. | ... | ... | ... | Two storeys, 18 ins. Remainder, 13½ ins. | |
| 40 ft. | ... | ... | Wall below topmost storey, 13½ ins. Remainder, 9 ins. | ... | ... | One storey, 18 ins. Rest of wall be- low topmost storey, 13½ ins. Remainder, 9 ins. |
| 30 ft. | ... | ... | ... | ... | ... | Wall below topmost storey, 13½ ins. Remainder, 9 ins. |
| 25 ft. | Wall of two top- most storeys, 9 ins. | ... | ... | ... | ... | Wall below topmost storey, 13½ ins. Remainder, 9 ins. |

Measurement of Height of Storeys and Height and Length of Walls, No. 10.

13. SCHEDULE OF THE THICKNESSES OF EXTERNAL AND PARTY WALLS OF PUBLIC BUILDINGS AND WAREHOUSES.
(Def. External and Party Walls, Public Buildings, Warehouses, etc., p. 521.)

| Thick- nesses at Base. | Height up to | Length up to | | | Length unlimited. |
|------------------------------|-----------------|--------------|----------------------|----------------------|---|
| | | 30 ft. | 35 ft. | 45 ft. | |
| | 100 ft. | ... .. | ... .. | 26 ins. | Walls exceeding 45 ft. in length to be increased in thickness from the base up to within 16 ft. of the top by $4\frac{1}{2}$ ins. Such increased thickness may be confined to piers (see No. 15). |
| | 90 ft. | ... .. | ... .. | 26 ins. | |
| | 80 ft. | ... .. | ... .. | 22 ins. | |
| | 70 ft. | ... .. | ... .. | 22 ins. | |
| | 60 ft. | ... .. | ... .. | 22 ins. | 26 ins. |
| | 50 ft. | 18 ins. | ... .. | 22 ins. | 26 ins. |
| | 40 ft. | ... .. | $13\frac{1}{2}$ ins. | 18 ins. | 22 ins. |
| | 30 ft. | ... .. | ... .. | $13\frac{1}{2}$ ins. | 18 ins. |
| | 25 ft. | ... .. | ... .. | ... .. | $13\frac{1}{2}$ ins. |

The above Table gives the thickness of the Wall at the base.

Measurement of Height of Storeys and Height and Length of Walls, No. 10.

The thickness for 16 ft. below the top shall be $13\frac{1}{2}$ ins., and the intermediate part from the Base to that point to be built solid between straight lines joining such parts on each side of the Wall.

Provided that—in Walls not exceeding 30 ft. in height, the Topmost Storey (if under 10 ft.) may be 9 ins. thick.

14. High Storeys.

(1) Where any Storey of a Public Building or Warehouse exceeds in height 14 times, or of a Domestic Building 16 times the prescribed thickness of its External or Party Walls, such Walls throughout the whole height of such Storey to be increased to $\frac{1}{14}$ or $\frac{1}{16}$ the thickness respectively; also the Walls below such Storey to be proportionately increased.

Such increased thickness may be confined to Piers Sec. 14. (No. 15).

Def. Public Building, Warehouse, Domestic Building, External Wall, Party Wall, p. 521.

(2) Minimum thickness of any External or Party Wall of a Storey exceeding 10 ft. in height to be $13\frac{1}{2}$ ins. Storey over 10 ft. high.

Measurement of Height, No. 10.

15. Piers (*see Nos. 12, 13, and 14*).

Piers to be properly distributed, the collective widths amounting to at least one-fourth part of the length of the Wall.

Provided that—the width may be reduced if the projection be proportionately increased, no projection however to exceed one third of the width, and the sectional area not to be diminished.

16. Openings in External Walls.

Any Building having an opening in any Storey exceeding one-half the vertical face of the External Wall thereof, to have sufficient Brick Piers, or other supports of incombustible material—

- (a) so disposed as to carry the superstructure;
- (b) at the corner of any Street on which the Building abuts, or, in each wall within 3 ft. of the corner of the Street.

Def. External Wall, p. 522.

17. No Opening to be made in any Party Wall.

Def. Party Wall, p. 521.

18. Recesses in External and Party Walls.

(1) Every Recess shall—

- (a) leave not less than 9 ins. in thickness at the Back thereof;
- (b) be arched over in every Storey;
- (c) be at least $13\frac{1}{2}$ ins. distant from inner face of Return External Wall.

Sec. 18.

(2) The Area of Recesses in each Storey not to exceed one-half the whole Area of the Wall in such Storey.

Def. External Wall, Party Wall, p. 521.

19. Chases in Walls.

Every Chase shall—

- (a) be not more than 14 ins. wide and $4\frac{1}{2}$ ins. deep ;
- (b) leave not less than 9 ins. in thickness at the Back thereof ;
- (c) be $13\frac{1}{2}$ ins. from any other Chase or Return Wall ;
- (d) be 7 ft. from any other Chase on the same side of the Wall.

20. Girders and Bressummers.

(1) Every Girder to be borne by a sufficient Template of Stone, Iron, Terra-cotta, or vitrified Stoneware of the full breadth of the Girder.

(2) Bressummer (in addition to any bearing on a Party Wall) to bear 4 ins. at least at each end, on a Pier of Brick or Stone, or on a Storey Post of Timber or Iron fixed on a solid foundation ; such Bressummer also, if necessary, to have such other supports, as above, as may suffice to carry the superstructure.

Def. Party Wall, p. 521.

Byelaws under P. H. Act Amendt. Act, 1890, sec. 23, p. 563 : As to sizes of Floor Timbers of (a) Domestic Buildings, Nos. 10-12 ; (b) Warehouse Buildings, Nos. 13, 15 ; (c) Public Buildings, No. 16 ; (d) Floors and Staircases of Public Buildings, No. 17.

21. Woodwork in External Walls.

All Woodwork in any External Wall to be set back in reveals 4 ins. at least from the front of the Wall, except any Bressummer, Storey Post under the same, and any Frame of a Door or Window of a Shop.

Provided that—in any Building of the Warehouse Class the Framework of Wood surrounding any Door or Window opening in any Storey for the delivery of goods may be within $1\frac{1}{2}$ in. from the face of an External Wall. (*Def. External Wall, Warehouse, p. 522*).

Towns Impt. Clauses Act, 1847. Doors to open inwards, sec. 71, p. 154.

22. Timber in Party Walls.

(1) No Bond Timber, or any Plate, Brick, or Plug of Wood to be placed in any Party Wall.

(2) The End of any Bressummer, Beam, or Joist not to be less than $4\frac{1}{2}$ ins. from the centre of any Party Wall.

Def. Party Wall, p. 521.

23. Partition Walls.

The open space inside any Partition Wall, or between the Joists in any Wall, to be stopped at every Floor and Ceiling with Brickwork, Concrete, Pugging, or other incombustible material.

24. Parapet Walls.*

(1) Any part of an External Wall within 15 ft. of any other Building to be carried up, so as to form a Parapet, 1 ft. above the highest part of any Roof or Gutter adjoining such part of such Wall.

(2) A Party Wall of a Public Building or Warehouse to be carried up 3 ft., or of any other Building 15 ins. (measured at right angles to the slope of the Roof) above the highest part of the Roof, Flat, or Gutter of the highest Building adjoining thereto; also to extend—

(a) 12 in. higher and wider on each side than any Turret, Dormer, Lantern-light, or other erection of combustible material as is within 4 ft. of such Party Wall;

(b) 12 ins. above such part of any Roof as is opposite to and within 4 ft. from such Party Wall.

(3) Parapet Walls to be 9 in. thick at least, and to be properly coped or otherwise protected from wet.

Def. External Wall, Party Wall, Public Building, Warehouse, p. 521.

25. Party Wall to be Corbelled out where Eaves project.

Where the Eaves of the Roof project beyond the face of the Building, the Party Wall to be corbelled out in Brick or Stonework to the full extent of such projection, and carried up to the same height and of the same thickness as prescribed for the Parapet Wall.

Def. Party Wall, p. 521.

* For Modification of this Byelaw, see p. 556.

CHIMNEYS * AND FLUES (Nos. 26-40).

26. Foundations of Chimneys.

Every Chimney to be built on—

- (a) a solid foundation with Footings similar to those of the Wall against which it is built, and be bonded thereto; or
- (b) on Corbels of hard and incombustible material; such Corbels not to project more than the thickness of the wall immediately below the same.

P. H. Act Amendt. Act, 1890: Hearths to Fireplaces, sec. 23, p. 109, and Byelaw No. 4, p. 566.

27. Support of Chimney Breast above opening.

(1) A sufficient Arch of Brick or Stone, or a Bar of Wrought Iron to be built over every Chimney Opening to support the Breast.

(2) If the Breast projects more than $4\frac{1}{2}$ ins. and the Jamb on either side is less than $13\frac{1}{2}$ ins. wide, the abutments to be tied in by a Wrought Iron Bar, or Bars, 18 ins. longer than the Opening, turned up and down at the ends and built into the Jambs.

(3) No Chimney Jamb to be less than 9 ins. wide.

28. Thickness of Brickwork about Flues.

Every Chimney Breast and the Brick or Stonework around every Flue to be $4\frac{1}{2}$ in. thick at least.

29. Brickwork around Flue of Furnace, Cooking Range in Hotel, etc., to be extra thickness.

The Brickwork around any Flue in connection with any Furnace, Cackle, Steam Boiler, or Close Fire (constructed for Trade, Business, or Manufacturing purposes), or Cooking Range, or Cooking Apparatus in any Hotel, Tavern, or Eating House, to be 9 ins. thick for a height of 10 ft. above the Floor.

30. Thickness of Chimney Backs.

* For Additional Byelaw as to Factory Chimneys, see 26 a, p. 556.

The Back of every Chimney Opening to be—

Sec. 30.

(a) $4\frac{1}{2}$ in. thick, at least, if in an External Wall;

(b) 9 ins. thick, at least, to 1 ft. above Opening, if not in an External Wall;

(c) 9 in. thick, at least, to 6 ft. above Opening, if in the Party Wall of a Kitchen.

Def. External and Party Walls, p. 521.

31. Flue at less Angle than 45° .

Where any Flue is constructed at a less Angle with the horizon than 45° , the Upper Side to be 9 ins. thick at least.

32. Chimney supported on Arch.

Any Arch carrying a Flue to be effectually supported by one Bar of Wrought Iron (built or pinned $4\frac{1}{2}$ ins. into the Wall at each end) for each 9 in. width of Soffit.

33. Minimum height for Chimney.

Every Chimney Shaft to be carried up $4\frac{1}{2}$ in. thick at least to a minimum height of 3 ft. above the highest point of the Roof, Flat, or Gutter adjoining such Shaft.

34. Maximum height for Chimneys.

No Chimney Shaft (other than of the Furnace of any Steam Engine, Brewery, Distillery or Manufactory) to be carried higher above the highest point of the Roof, Flat, or Gutter adjoining such Shaft, than 6 times its least width at such highest point, unless built with and bonded to another Shaft not in the same line or otherwise made secure.

35. Flues to be Pargeted.

The Inside of every Flue to be Rendered or Pargeted as carried up, unless lined throughout with Fireproof Piping of Stoneware 1 in. thick, and unless the Spandril Angles are filled in with Brickwork or other incombustible material.

36. Face of Brickwork about Flues near Timber to be Rendered.

The Face of the Brick or Stonework about any Flue or Chimney Opening, if less than 9 ins. thick, to be

Sec. 36. Rendered where less than 2 ins. distant from any Timber or Woodwork. (*See also No. 39.*)

37. Back of Flue to be Rendered.

The Back or Outside of every Flue less than 9 ins. thick, and not part of an External Wall, to be Rendered.

Def. External Wall, p. 522.

38. Metal Holdfasts near Flues.

No Iron Holdfast or other Metal Fastener to be placed nearer than 2 ins. to the inside of any Flue or Chimney Opening.

39. Timber near Flues. (*See also No. 36.*)

(1) No Timber or Woodwork to be placed—

(a) in any Wall or Chimney Breast nearer than 9 ins. to the inside of the Flue or Chimney Opening;

(b) under any Chimney Opening within 15 ins. from the upper surface of the Hearth. (*See also No. 4, p. 566.*)

(2) No Wooden Plug to be driven into any Wall or Chimney Breast within 6 ins. from the inside of any Flue or Chimney Opening.

40. Ventilating Valves, Smoke Pipes, etc.

Any Opening in a Chimney or Flue for inserting Ventilating Valves, or for other purposes, or any Pipe for conveying Smoke to be 9 ins. from any combustible substance.

ROOFS.

41. Roofs to be covered with Incombustible Materials.*

(1) The Flat and Roof and every Turret, Dormer, Lantern-light, Skylight, or other Erection thereon to be covered externally with Slates, Tiles, Metal, or other incombustible materials, except as regards any Doors, Windows or Frames thereto.

* For structure of Roofs and Floors, see Nos. 5-8. p. 567.

(2) All Gutters,* Shoots, or Troughs to be of incom-bustible materials. Sec. 41.

Size of Roof Timbers, Byelaws Nos. 5-8, p. 567.

Towns Impt. Clauses Act, 1847. Waterspouts to be affixed to Buildings, sec. 74, p. 155.

AIR SPACE AND VENTILATION (Nos. 42-47).

With respect to the sufficiency of Space about Buildings to secure a free circulation of Air, and with respect to the Ventilation of Buildings.

42. Air Space in Front of Domestic Building.†

An Open Space of 24 ft. at least to be provided in the Front of every Domestic Building for the full width thereof, such Space to be measured at right angles to the opposite side of the Street, or the Boundary of any Lands or Premises immediately opposite, and shall be free from any Erection thereon above the Ground Level except any Portico, Porch, Step or other like projection, or Gate, Fence or Wall not exceeding 7 ft. high.

Def. Domestic Building, p. 522.

P. H. Act Amendt. Act, 1890. Paving of Yards and Open spaces to Dwelling-Houses, sec. 23, p. 109, and Byelaw No. 2, p. 565.

43. Air Space at Rear of Domestic Building.†

(1) An Open Space to be provided at the Rear of every Domestic Building (extending for the full width thereof and exclusively belonging thereto) of not less area than 150 sup. ft., free from any Erection thereon above ground level except a Water-closet, Earth-closet, or Privy, and an Ash-pit, and the distance across such Open Space from every part of such Building shall be—

Distance across
Open Space.

| | |
|---|-------------------|
| 10 ft. if the Building is less than | 15 ft. in height. |
| 15 ft. " " 15 ft. and under | 25 ft. " |
| 20 ft. " " 25 ft. " | 35 ft. " |
| 25 ft. " " or exceeds | 35 ft. " |

(2) The height of such Building to be measured from

* For Additional Byelaw as to Guttering and Rain-water Pipes, see 41 a, p. 557.

† For modification of these Byelaws, see p. 558.

Sec. 43. Ground Level to half the vertical height of the Roof or Top of the Parapet, whichever may be the higher.

44. Such Open Spaces not to be diminished.

Any Alteration or Addition to any such Building shall not diminish the aggregate extent, width or depth, of such Open Spaces.

45. Ventilation of Domestic Buildings.*

(1) A sufficient number of suitable Windows to be constructed in the Wall of each Storey fronting or abutting on such Open Spaces, as aforesaid, in such manner and position as to afford effectual Ventilation by direct communication with the external air.

Def. Domestic Building, p. 522. Area of Window space, No. 46. Height of Rooms, No. 3, p. 566.

(2) Every Room in the Lowest Storey provided with a Boarded Floor to have a clear Air Space of 3 in. between the Joists and the Concrete or Asphalte (No. 4), such Space to be Ventilated by Air Bricks or other effectual method.

(3) Every Habitable Room without a Fireplace or Flue to be provided with a Ventilating Aperture, or Air Shaft, of at least 100 sq. ins. sectional area.

46. Ventilation of Domestic and other Buildings.

Every Habitable Room to have one or more Windows opening directly into the external Air, the area of such Windows (clear of Frames) to be not less than one-tenth the Floor Area. One-half of each Window to open and such Opening shall extend to the Top thereof.

47. Ventilation of Public Buildings.

Every Public Building to be provided with adequate means of Ventilation.

Def. Public Building, p. 522.

* For proviso to this Byelaw, see p. 561.

DRAINAGE (Nos. 48-59).

*With respect to the Drainage of Buildings.**

REFERENCES.

P. H. Act, 1875: Power to Owner or Occupier within or without District to drain into Sewers of L. A., secs. 21, 22. Power of L. A. to enforce Drainage of Undrained Houses, sec. 23. Power to require Houses to be drained into New Sewers, sec. 24. Penalty on building House without Drain in U. District, sec. 25. Drains, etc., to be properly kept, and examination of same, secs. 40, 41. Definition of Drain and Sewer, sec. 4, p. 8.

P. H. Act Amendt. Act, 1890, p. 97: Provision as to L. A. making communication with or altering, etc, Drains and Sewers, sec. 18. Exam. of joint Drains, sec. 19.

48. Drainage of subsoil.

(1) The Site of any Building, where necessary, to be effectually Drained by Earthenware Field Pipes, properly laid to a suitable Outfall.

(2) Such Pipes not to communicate directly with any Sewer, Cesspool, or Drain for conveying Sewage, but to have a suitable Trap, with a Ventilating Opening as near the Trap as practicable.

49. Level of Lowest Storey to allow of effectual Drainage.

The Lowest Storey to be at such level as will allow of the effectual Drainage of the Building by means of a Drain connecting with the upper half of the Sewer or other Outlet with which such Drain may lawfully communicate.

50. Materials for Drains.

Drains (other than for Subsoil Water) to be—

- (a) of Glazed Stoneware Pipes, or other equally suitable material;
- (b) of adequate size and, if for conveying Sewage, of not less than 4 in. dia.,
- (c) laid in a Concrete Bed, with a proper fall and Water-tight Joints.

51. Drain not to pass under Building, except otherwise impracticable.

* Where the P. H. Act Amendt. Act, 1890 (sec. 23), is adopted, these Byclaws (48-59) may be extended to Buildings erected before the L. G. B. Acts came into force in the District (p. 109).

Sec. 51.

Such Drain not to pass under any Building, except where otherwise impracticable, in which case it shall be—

- (a) laid at a depth below the Ground, equal to its full dia., at its highest point;
- (b) laid in a direct line beneath, and provided with means of Ventilation at each end of, the Building;
- (c) surrounded with Concrete 6 in. thick.

52. Every Inlet to a Drain (except for Ventilation, as prescribed) shall be properly Trapped.

53. Drain to be disconnected from Sewer by a Trap.

Every Drain directly communicating with a Sewer or other Outlet to be provided with a suitable Trap, as distant from the Building (but within the curtilage thereof) and as near to the Junction with the Sewer, as practicable.

54. No Right-angled Junctions to be used.

No Right-angled Junctions, either vertical or horizontal, to be used, all Junctions being made obliquely in the direction of the flow.

55. Ventilation of House Drains.*

(1) The Drain of every Building to be provided with Two Untrapped Openings for Ventilation, either of the two following arrangements being adopted as may, in each case be found the most suitable and effectual.

1st Arrangement—

- (a) The First Opening to be at Ground Level (*with Grating, sub-sec. 3*), communicating with the Drain (on the Building side of, and as near to the Trap as practicable) by a Pipe, Shaft, or Disconnecting Chamber.

Position of Trap, Byelaw No. 53.

- (b) A Second Opening, as far distant as possible from the first, carried up by a Pipe or Shaft to such height (but not less than 10 ft.) and in such manner as will

* For proviso to this Byelaw, see p. 561.

prevent the escape of Foul Air therefrom into any Sec. 55.
Building in the vicinity.

2nd Arrangement—

This alternative method consists of a reversion of the foregoing arrangement, viz.:—

(c) The First Opening being now carried up by a Pipe or Shaft to the height, and in the manner previously described for the Second Opening (b);

(d) A Second Opening, at ground level, as far distant as possible from the first, communicating with the Drain by a Pipe or Shaft (a).

(2) No Bend or Angle to be formed in such Ventilating Pipe or Shaft, except where unavoidable, and the sectional area not to be less than that of the Drain, and in no case less than 4 ins. diameter.

Provided that—the Soil Pipe of any W.C. may be used as one of the Ventilators where the situation, sectional area, height, and mode of construction comply with the prescribed conditions.

(3) Every such Ventilation Opening at ground level to be furnished with a suitable grating to prevent the admission of any substance into the Drain, but allowing free passage of Air; the area of the Apertures in such grating to equal the area of the Pipe.

56. No Inlet to be made to any Drain within the Building, except from W.C.

57. Soil Pipe of W.C.

(1) Every Soil Pipe from a W.C. shall—

(a) be fixed outside the Building;

(b) be at least 4 ins. diameter;

(c) extend upwards without diminution and (except where unavoidable) without Bend or Angle to such height and position as will afford a safe Outlet for Sewer Air.

(2) No Trap (except W.C. Trap) to be fixed in such Soil Pipe, or between it and the Drain.

58. Waste Pipes to discharge in the Open Air.

Sec. 58.

Every Waste or Overflow Pipe from any Bath, Sink (not being a Slop Sink for receiving solid or liquid Filth), Lavatory, Cistern, Safe (under Bath or W.C.), etc., to be taken through the External Wall, so as to discharge into the Open Air over a Channel leading to a Trapped Gully Grating 18 ins. distant.

59. Waste Pipe of Slop Sink to be treated as Soil Pipe of W.C.

Every Waste Pipe from a Slop Sink (for receiving within the Building any solid or liquid Filth) to comply with the same conditions as are applicable to the Soil Pipe of a W.C. (No. 57).

WATER-CLOSETS, EARTH-CLOSETS, PRIVIES, ASH-PITS, AND CESSPOOLS (Nos. 60-75).

*With respect to Water-closets, Earth-closets, Privies, Ash-pits, and Cesspools, in connection with Buildings.**

REFERENCES.

P. H. Act, 1875: Power of L. A. to enforce provision of W.C., etc., Accommodation to Houses and Factories, secs. 35-38. Power of U. A. to provide Public Necessaries, sec. 39. Drains, Privies, etc., to be properly kept, and exam. of same, secs. 40, 41. L. A. to provide for removal of House Refuse, Cleansing of E.Cs., etc., secs. 42, 43. Power of L. A. to make Byelaws for removal of House Refuse, Cleansing of E.Cs., sec. 44. Power of U. A. to provide Receptacles for deposit of Rubbish, sec. 45. Overflow from W.C. Privy or Cesspool, sec. 47. Power to close polluted Wells, etc., sec. 70. Privy, Cesspool, Drain or Ash-pit, a Nuisance, sec. 91.

P. H. Act Amendt. Act, 1890, p. 97: Sanitary Conveniences for Public Accommodation, sec. 20. Sanitary Conveniences in common, sec. 21. Sanitary Conveniences for Manufactories, sec. 22. Rooms over Privies, Cesspools, Middens or Ash-pits not to be used as Dwelling, etc., Rooms, sec. 24. Power to make Byelaws for certain Sanitary purposes, sec. 26.

Water-closets and Earth-closets † (Nos. 60-65).

60. Situation and Ventilation of W.C. and E.C.

(1) One side of any W.C. or E.C. situated within a Building to be an External Wall.

* Viz.:—any Building erected after the Local Government Acts came into force in the District; where however the P. H. Acts (Amendt.) Act, 1890 (sec. 23), is adopted these Byelaws (60-75) may be extended to Buildings erected *before* the L. G. B. Acts came into force in the District (p. 109).

† For proviso as to Earth-closets, see p. 561.

(2) Every W.C. or E.C. (whether in a Building or Sec. 60. otherwise) to have a Window, size 2 ft. by 1 ft. 9 ins. (exclusive of the frame), opening directly into the External Air, also adequate means of constant Ventilation by an Air Brick in the External Wall, or by an Air Shaft, or otherwise.

61. Water-closets.

(1) Every W.C. to be provided with—

- (a) a Separate Flushing Cistern, of adequate capacity, to admit of a Water Supply to the W.C. Apparatus without the direct communication therewith of any Service Pipe, except through such Cistern;
- (b) a Pan, Basin, or Receptacle of non-absorbent material, of such shape, capacity, and construction as will contain sufficient Water, and allow all solid Filth to fall free of the sides into such Water;
- (c) suitable Apparatus for the effectual Flushing and Cleansing of such Receptacle, and for removing all solid and liquid Filth.

(2) No "Container" to be fixed under such Receptacle, or D Trap in connection with the W.C. Apparatus.

Situation of W.C., Byelaw No. 60. P. H. Act Amendt. Act, 1890: Water Supply to W.Cs., sec. 23, p. 109, and Byelaws, No. 18, p. 574.

Earth-closets * (Nos. 62–65).

62. Reservoir for Deodorants.

Every E.C. to be provided with—

- (a) a Reservoir of suitable construction and adequate capacity for Dry Earth or other Deodorants, so constructed and fixed as to admit of ready access for renewing such Deodorants;
- (b) means or Apparatus for the frequent and effectual application of such Deodorants to any Filth deposited in any Pan, Pit, or other Receptacle in connection with such E.C.

63. Receptacle for Filth.

* For proviso as to Earth-closets, see p. 561.

Sec. 63.

Every such Receptacle provided in connection with such E.C. to be so constructed and fixed—

- (a) as to admit of the frequent and effectual application of a sufficient quantity of such Deodorants to any Filth deposited therein;
- (b) that the contents thereof may not be exposed to Rain, or to the Drainage of any Waste Water or Liquid Refuse from adjoining Premises.

64. Fixed Receptacle.

If such Receptacle be “Fixed,” it shall—

- (a) admit of ready access for removing the Contents thereof;
- (b) be of a capacity not exceeding 40 cub. ft., or greater than sufficient to contain such Filth and Deodorants for a longer period than *three months*;
- (c) be constructed of such materials and in such manner as will prevent absorption, or escape, by leakage or otherwise, of the contents;
- (d) be fixed so that the Bottom or Floor Level shall be at least 3 ins. above the adjoining ground surface.

65. Movable Receptacle.

If such Receptacle be “Movable,” it shall—

- (a) admit of ready access for its removal or the contents thereof, and to that part of the E.C. where it is placed;

Situation of Earth-closets, Byelaw 60. Byelaws as to Cleansing of Earth-closets, p. 579.

Privies, Ash-pits, and Cesspools. (Nos. 66–75).

66. Distance from Building.

Every Privy and Ash-pit to be 6 *ft.*, and every Cesspool 50 *ft.* from any Dwelling House, Public Building, or Building in which any Person may be employed in any Manufacture, Trade, or Business. (*Def. Dwelling House, Public Building, p. 522.*)

P. II. Act Amendt. Act, 1890: Def. Ash-pit, sec. 11, p. 100.

67. Distance from Water Supply.

No Privy, or Ash-pit to be within 40 *ft.*, and Cesspool 60 to 80 *ft.* from any Well, Spring, or Stream of Water, used or likely to be used by man for Drinking or Domestic Purposes, or for Manufacturing Drinks, or otherwise in such position as to render such Water liable to Pollution.

68. To admit of Removal of Contents without passing through Building.

Every Privy, Ash-pit, and Cesspool, to be so placed and constructed as to afford ready means of access thereto for cleansing, and in the case of a Privy and Cesspool in such position as to admit of removal of contents (and also where practicable in the case of an Ash-pit) without carrying the same through any Dwelling House, Public Building (*def.* p. 522) or Building, in which any Person may be employed in any Manufacture, Trade, or Business.

P. H. Act Amendt. Act. 1890: Secondary means of Access for removal of House Refuse, sec. 23, p. 109, and Byelaw No. 1, p. 565.

69. Not to Communicate with Sewer or Drain.

No Privy or Ash-pit to communicate with any Drain, nor any Cesspool to overflow into any Sewer.

*Privies (Nos. 70-73).***70. Ventilation of Privy.**

Every Privy to be provided with a sufficient opening for Ventilation, as near the Top as practicable, and communicating directly with the external Air.

71. Floor of Privy.

The Privy Floor shall—

- (a) be not less than 6 ins. above the level of the ground adjoining;
- (b) be Paved with Hard Tiles or other non-absorbent material;
- (c) fall $\frac{1}{2}$ in. to the foot towards the Door.

72. Fixed Receptacle.

Sec. 72.

(1) If such Privy be furnished with a Fixed Receptacle for Filth, it shall be provided with means or Apparatus for the frequent and effectual application of Ashes, Dust, or Dry Refuse to any Filth deposited in such Receptacle.

(2) Such Receptacle shall—

(a) be constructed so as not to expose the Contents to Rain, or Drainage of Waste Water or Liquid Refuse, from adjoining Premises ;

(b) be constructed of such materials and in such manner as will prevent absorption, or escape, by leakage or otherwise of the contents ;

(c) not exceed 8 *cub. ft.* in capacity.

(3) The Privy Seat to be so constructed that the whole or a sufficient part thereof shall be readily removed or adjusted, so as to afford access to such Receptacle (or other adequate means of access provided) for cleansing and removing the Contents thereof.

(4) The Bottom or Floor (beneath Seat) to be at least 3 ins. above the level of the ground adjoining.

73. Movable Receptacle.

(1) If such Privy be provided with a Movable Receptacle for Filth, the whole extent of—

(a) the Floor (beneath Seat) shall be at least 3 ins. above the level of the ground adjoining, and Flagged or Asphalted ;

(b) the sides (between Floor and Seat) shall be constructed of Flagging, Slate, or Brickwork, 9 ins. thick, rendered in Cement or Asphalted.

(2) The Privy Seat, the Aperture therein, and the Space beneath, to be of such dimensions as to admit of a Movable Receptacle not exceeding 2 *cub. ft.* in capacity, being placed and fitted beneath such Seat so as to allow all Filth to fall therein without depositing elsewhere than in such Receptacle.

(3) Such Seat to be so constructed that the whole or a sufficient part thereof shall be readily removed or adjusted so as to afford access to the space beneath for

cleansing purposes, or for Fixing or removing such Re-ceptacle. Sec. 73.

Situation, etc., of Privy, Byelaws 66-69. Byelaws as to cleansing of Privies, p. 579.

P. H. Act Amendt. Act, 1890: Rooms over privies, etc., not to be used as Sleeping-rooms, etc., sec. 24, p. 110.

Ash-pits.

74. Every Ash-pit shall—

- (a) not exceed 6 *cu. ft.* in capacity, or be of such less capacity as may be sufficient to contain one week's accumulation of Dust, Ashes, Rubbish, and Dry Refuse;
- (b) be constructed of Flagging, Slate, or Brickwork 9 ins. thick, rendered inside with Cement or Asphalte;
- (c) be so constructed that the Floor thereof shall be not less than 3 ins. above the ground surface adjoining, and Flagged or Asphalted;
- (d) be properly Roofed over, Ventilated, and furnished with a suitable Door, so constructed and fitted as to admit of the convenient removal of, and when closed to effectually prevent the escape of, the contents.

Situation, etc., of Ash-pit, Nos. 66-69.

P. H. Act Amendt. Act, 1890, p. 97: Def. Ash-pit, sec. 11. Rooms over Ash-pit not to be used as Dwelling or Sleeping-rooms, sec. 24. Cleansing of Ash-pits, sec. 26. (Also P. H. Act, 1875, sec. 44, p. 26, and Byelaws, p. 579).

Cesspools.

75. Every Cesspool shall—

- (a) be constructed of Brickwork in Cement, rendered internally with Cement, and with a Backing of 9 ins. of well Puddled Clay around and beneath such Brickwork;
- (b) be Arched, or otherwise properly covered over, and Ventilated.

Sec. 75.

Situation, etc., of Cesspools, Nos. 66-69.

P. H. Act Amendt. Act, 1890. Rooms over Ash-pit not to be used as Dwelling or Sleeping-rooms, sec. 24, p. 110.

P. H. A., 1875 : Cleansing of Cesspools, sec. 44, and Byelaws, p. 579.

BUILDINGS UNFIT FOR HUMAN HABITATION.

With respect to the closing of Buildings or Parts of Buildings Unfit for Human Habitation, and to the Prohibition of their use for such Habitation.

76. Buildings unfit for Human Habitation.

(1) Where by Written Notice * signed by the Clerk and served on the Owner of a Building (or part thereof) erected after † * * * the Sanitary Authority certify that it has been represented to them that such Building (or part thereof) is unfit for Human Habitation, and that they will unless on or before a specified day, such Owner by His or His Agent's Written Statement (or by His or His Agent's attendance on a specified day, time and place) shall show sufficient cause to the contrary, declare such Building (or part thereof) unfit for Human Habitation and direct the closing thereof, prohibiting its further use therefor until rendered fit for Human Habitation.

(2) Where such Owner fails to show sufficient cause, as aforesaid, the Sanitary Authority may by Written Order * (which shall be under their Seal and signed by the Clerk and which, or a Copy of which, shall be affixed to some conspicuous position in or upon such Building, or part thereof) declare that the same shall be closed and the use thereof for Human Habitation prohibited, until rendered fit for Human Habitation.

(3) After the date specified in such Order no Person shall knowingly inhabit or cause or suffer to be inhabited such Building (or part thereof) until the same shall have been rendered fit for Human Habitation.

P. H. Act, 1875 : Closing of Buildings unfit for human habitation, sec. 97, p. 35. Nuisances, sec. 91 ; also—

* Form of "Notice" and "Order" are included in the Model Byelaws, issued by the Local Government Board.

† Date when the Local Government Acts came into force in the District.

Housing of Working Classes Act, 1890: Closing of Buildings unfit for Sec. 76. human habitation, secs. 32-37, p. 334.

NOTICES, DEPOSIT OF PLANS, INSPECTION, ETC. (Nos. 77-84).

As to the giving of Notices, Deposit of Plans and Sections by Persons intending to Lay out Streets, or to Construct Buildings; as to Inspection by the Sanitary Authority; and as to the Power of such Authority to Remove, Alter, or Pull Down any Work begun or done in contravention of the Byelaws.

77. Notice, Plans and Sections of New Streets.

(1) Every Person intending to Lay Out a New Street shall send Written Notice of such intention to the Clerk or Surveyor, accompanied by a Plan of such Street (signed by such Person or His Agent) and Sections drawn to a Scale of not less than 1 in. to 44 ft.

(2) Such Plan shall show—

- (a) the Name and Address of the Person intending to lay out such Street;
- (b) the Names of Owners of the Land through which such Street will pass;
- (c) the Points of the Compass, Name, and Position in relation to the Streets nearest thereto;
- (d) the Level, Width, and Mode of Construction;
- (e) the Size and Number of Building Lots;
- (f) the Sites, Height, Class, and Nature of the Buildings, and Height of Division and Fence Walls.

(3) Such Section shall show—

- (a) the Levels of the Present Surface of the ground above some known Datum;
- (b) the Intended Level and Rate of Inclination of such Street, also of the Streets with which it will connect;
- (c) the Levels of the Lowest Floors of the intended Buildings.

78. Notice, Plans and Sections of New Buildings.

(1) Every Person intending to Erect a New Building

Sec. 78. shall send Written Notice of such intention to the Clerk or Surveyor, together with—

(a) a Description of the Material to be used, the Intended Mode of Drainage, and the Means of Water Supply ;

(b) Plans and Sections of every Floor (scale not less than 1 in. to 8 ft.), showing the Position, Form, and Dimensions of the several parts of such Building, and of every Water-closet, Earth-closet, Privy, Ash-pit, Cesspool, Well, and all other Appurtenances.

(2) Also a Block Plan (scale not less than 1 in. to 44 ft.) showing—

(a) the Position of the Buildings and Appurtenances of the Properties immediately adjoining ;

(b) the Width and Level of the Street in Front, and, if any, at the Rear ;

(c) the Level of the Lowest Floor and of any Yard or ground belonging to such Building ;

(d) the Intended Lines of Drainage ;

(e) the Size, Depth, Inclination, and Details of the Ventilation, of the Drains.

79. Notice to be given Surveyor before Commencing or Covering Up Work.

Written Notice to be sent to the Surveyor specifying the Date on which—

(a) any Street, Building, or other Work to which these Byelaws Apply, will be Commenced ;

(b) any Sewer, Drain, or Foundation of a Building, will be commenced to be Covered Up.

80. On Default of Notice, Surveyor may Order Work to be Cut Into.

If such Notice is not given and the Surveyor finds any Work so far advanced that he cannot ascertain whether anything has been done Contrary To, or Omitted From, the Byelaws, he may within reasonable time after his Inspection, by Written Notice require, within a reasonable time specified

therein, sufficient of such Work to be Cut Into, Laid Open, Sec. 80. or Pulled Down for that purpose.

81. Surveyor may require Irregular Work to be Amended.

The Surveyor may at any reasonable time, during the progress or after the Completion of the Laying Out of a Street, the Erection of a Building, or the execution of any other Work to which these Byelaws Apply, by Written Notice, require within a reasonable time specified therein, anything done contrary to any Byelaw to be Amended, or anything Omitted therefrom to be done.

82. Notice to be given Surveyor on Amendment of Irregularities.

Written Notification shall be sent to the Surveyor within a reasonable time after the completion of any Work executed in accordance with such Requirement (No. 81) and free access given Him thereto at all reasonable times within a period of 10 days from the receipt of such Notice for the purpose of Inspection.

83. Surveyor to have Free Access.

The Surveyor shall have Free Access at all reasonable times to and during the execution of any Work carried out under the Byelaws, for the purpose of Inspection.

84. Notice to be given Surveyor on Completion of Street, or Building.*

Written Notice shall be sent to the Surveyor within a reasonable time after the completion of a Street, or Building (and before Occupation) and free access given thereto at all reasonable times within a period of 10 days for the purpose of Inspection.

Penalties.

85. Penalty not exceeding £5, for every Offence against any Byelaw, and a further Daily Penalty not exceeding £2

* For Additional Byelaw as to Certificate, see p. 561.

Sec. 85. in the case of a continuing Offence after Written Notice thereof from the Authority.

Notice requiring Irregular Work to be amended, No. 81. Power to remove Irregular Work, No. 86; also—

P. H. Act, 1875. Removal of Work contrary to Byelaws, secs. 157, 158, p. 48. Summary proceedings from recovery of Penalties, sec. 251, p. 72. Limitation of time for Complaint, etc., sec. 252, p. 72. Restriction on recovery of Penalties, sec. 253, p. 72.

Power to Remove Irregular Work.

86. Where any Work has been done in contravention of any Byelaw, the Clerk by Written Notice shall require the Person Offending, by His or His Agent's Written Statement, or Attendance as may be specified in such Notice, to show sufficient cause why such Work shall not be Removed, Altered, or Pulled Down, and on His failing so to do, the Authority itself may, subject to any Statutory Provisions in that behalf, Remove, Alter, or Pull Down such Work.

ADDITIONS, MODIFICATIONS, AND EXTENSIONS
TO THE
MODEL BYELAWS
FOR
NEW STREETS AND BUILDINGS.

Approved by the Local Government Board to meet the
special requirements of any District.

CONTENTS.

- Exemption of certain Iron Buildings. (*Additional Byelaw*).
- Streets used solely for removal of Contents of Privy. (*Proviso to Byelaw 2, p. 523*).
- Excavated sites to be raised. (*Additional Byelaw to No. 4, p. 524*).
- Low-lying Areas to be raised. (*Additional Byelaw to No. 4, p. 524*).
- Hollow Walls. (*Proviso to Byelaw 5, p. 525*).
- Half-Timber Walls. (*Proviso to Byelaw 5, p. 525*).
- Walls of combined Brick and Flint-work. (*Proviso to Byelaw 5, p. 525*).
- Storeys below Ground level. (*Additional Byelaw to 9, p. 526*).
- Parapets to External and party walls. (*Modification of Byelaw 24, p. 531*).
- Factory Chimney Shafts. (*Additional Byelaw to 26, p. 532*).
- Guttering and Rain-water Pipes. (*Additional Byelaw to 41, p. 534*).
- Air space to Buildings Fronting on Streets laid out before confirmation of the Byelaws. (*Proviso to Byelaw 42, p. 535*).
- Site adjoining 2 Streets meeting at an angle. (*Proviso to Byelaw 43, p. 535*).
- Open Space at sides of Building in lieu of at Roar. (*Proviso to Byelaw 43, p. 535*).
- Re-erection of Buildings at corners of Streets. (*Proviso to Byelaw 43, p. 535*).

Sites tapering towards Rear. (*Proviso to Byelaw 43, p. 535*).

Site of Building not concreted. (*Proviso to Byelaw 45, p. 536*).

Ventilating Openings to House Drains. (*Proviso to Byelaw 55, p. 538*).

Earth-closets. (*Proviso to Byelaws 60, 62, 65, p. 540*).

Certificate that House is fit for Human Habitation. (*Additional Byelaw*).

ADDITIONS, MODIFICATIONS, AND EXTENSIONS
TO THE
MODEL BYELAWS
FOR
NEW STREETS AND BUILDINGS.

Approved by the Local Government Board to meet the special requirements of any District.

Exemption of certain Iron Buildings.
The following buildings shall be exempt from Byelaws Nos. 4-25 (p. 524), viz. :—

Any One Storey Building, not constructed or adapted to be used either wholly or partly for Human Habitation, the External Walls of which shall be constructed of, or wholly covered with, Galvanized, Corrugated, or other Sheet Iron, and which if not exceeding—

| | | | | Distant from the nearest Street. | Distant from the Boundary of any adjoining Lands or Premises. | |
|----------|------------------------|---------------|----------|----------------------------------|---|-------------------------------|
| In hght. | 12 ft. and in capacity | 2,000 cub.ft. | shall be | .. | 10 ft. | |
| ,, | 15 ft. | ,, | ,, | 15,000 | ,, | 8 ft. |
| ,, | 30 ft. | ,, | ,, | 80,000 | ,, | 8 ft. |
| | | | | | | Also same dist. from any Bdg. |

Width of Streets not intended for Carriage Traffic, but solely for removal of Privy, etc., contents, viz. :—

Minimum width 16 ft., or 13 ft. if not exceeding 300 ft. in length.

(4 a) Excavated Sites to be raised.
Where the intended Site of a Building may have been, or

may have formed part of, a Clay Pit, or where by reason of the excavation of Earth, Gravel, Stone, or other Materials the whole or part of the surface may be at such a level below the adjoining ground as to render its elevation necessary to prevent dampness to such Building, no Foundation shall be constructed thereon until such Site be raised to an adequate height by the deposition of layers of sound and suitable material to form a stable and healthy substratum.

Additional
Byelaw to
No. 4, p.
524.

(4 b) Low-lying Areas to be raised.

Where the intended Site of a Building is situated (here define the situation of the Low-lying Area)—

- (a) no Foundation shall be constructed thereon unless such Site be raised to a height of at least ft. above Ordnance Datum with sound and suitable material to form a stable and healthy substratum ;
or
- (b) such Building shall be erected upon Cement Concrete, Masonry, or Brickwork so that the Floor of the lowest Story be at least ft. above Ordnance Datum.

1st Proviso
to Byelaw
No. 5, p.
525.

Hollow Walls.

External Walls may be constructed as Hollow Walls, if constructed as follows :—

- (1) The inner and outer parts of the Wall shall be—
 - (a) separated by a Cavity not exceeding 3 ins. in width ;
 - (b) securely tied, every 3 ft. horizontally, and 18 ins. vertically, by suitable Bonding Ties of adequate strength, formed of Galvanized Iron, Iron sanded and tarred, or glazed Stoneware ;
 - (c) of not less thickness than $4\frac{1}{2}$ ins. in each part (inner and outer) ;
 - (d) together (exclusive of the Cavity) of not less thick-

ness than that prescribed for External Walls by Byelaws Nos. 12, 13, (p. 527).

(2) The Woodwork of the head of any Door or Window Frame, Lintel, or other similar structure projecting into the intervening Cavity shall be covered throughout on the upper side thereof with Sheet Lead, or other suitable material impervious to moisture in such manner as effectually to protect such Woodwork from any moisture that may enter the Cavity.

Half-Timber Walls.

When a Dwelling House (*def. p. 522*), or a Block not exceeding three Dwelling Houses shall be not less than 15 ft. distant from any adjoining Building not being in the same curtilage, the External Walls may be constructed of Timber Framing as follows:—

- (a) the Timber Framing to be properly put together and the spaces between the Timbers completely filled in with Brickwork (*Quality of Brickwork, No. 5, p. 525*).
- (b) every portion of Timber shall have $4\frac{1}{2}$ ins. of Brickwork at the back thereof, which shall be properly bonded to the Brickwork filling the space between the Timbers.

Provided that—in the case of a Block not exceeding three Dwelling Houses each House shall be separated by a Party Wall projecting at least 1 in. in front of any Timber-framing in any adjoining External Wall.

Walls built of combined Brick and Flintwork.

Walls built of—

- (a) A combination of Brick and Flintwork, in which the proportion of Brickwork equals at least one-fifth of the entire contents of the Wall, and is properly distributed in Piers and horizontal Courses;

(b) Half-timber work

may be of the thicknesses prescribed by Byelaws Nos. 12, 13 (p. 527).

2nd Pro-
viso to
Byelaw
No. 5, p.
525.

3rd Proviso
to Byelaw
No. 5, p.
525.

Additional
Byelaw to
No. 9, p.
526.

(9 a) Storey below Ground Level.

Where any part of the Floor of the lowest Storey will be below the level of the ground in contact with the External Walls, such Storey shall be enclosed with Double Walls having—

- (a) An intervening Cavity of $2\frac{1}{2}$ ins. (extending from the Base of such Walls to a height of 6 ins. above the ground in contact therewith), properly tied together, every 3 ft. horizontally, and 18 ins. vertically, with sufficient ties of Iron (tarred and sanded), Galvanized Iron, Vitrified Stoneware, or other suitable material;
- (b) A proper Damp Course of the prescribed materials (*No. 9, p. 526*) at the Base of the Wall and at the level of the top of the Cavity.

Modifica-
tion of
Byelaw
No. 24, p.
531.

Parapets to External and Party Walls.

The following Buildings to be exempt from Byelaw 24—

- (a) Domestic Building (*def. p. 522*) *not* exceeding 30 ft. in height, intended to be used exclusively as a Dwelling House;
- (b) Domestic Building used as an Office Building or other Outbuilding appurtenant to a Dwelling House whether attached thereto or not.

Provided that—the Party Wall of any such Building shall be carried up at least as high as the under side of the Slates or other covering of the Roof. Such Slates or other covering to be properly and solidly bedded in Mortar or Cement on the top of such Wall, and no Lath, Timber, or Woodwork of any description to extend upon or across such Wall.

For the purpose of this Byelaw, the height of a Building shall be measured from the Base of the Wall to half the vertical height of the Roof or to the top of the Parapet, whichever may be the higher.

(26 a) Factory Chimney Shafts.

(1) Every Chimney Shaft in connection with the Furnace of a Steam Boiler, Brewery, Distillery, or Manufactory shall be built throughout of Brickwork in Mortar or Cement of the best quality upon a sufficient bed of Concrete. Additional
Byelaw to
No. 26, p.
532.

(2) The width at the Base (*def. p. 521*) to be—

| | |
|----------------|---|
| $\frac{1}{10}$ | of the total height, if square on plan. |
| $\frac{1}{11}$ | “ “ octagonal “ |
| $\frac{1}{12}$ | “ “ circular “ |

(3) Batter to be $2\frac{1}{2}$ ins. at least in every 10 ft.

(4) Thickness at the Top and for 20 ft. below to be $8\frac{1}{2}$ ins. increasing $4\frac{1}{2}$ ins. for every additional 20 ft. measured downwards.

(5) Foundation to be solid to the top of the Footings, the total projection of which Footings by regular offsets to equal the thickness of the Brickwork at the Base.

(6) Any Firebrick lining to be in addition to the thickness and independent of the Brickwork.

(7) Every Cap, Cornice, Pedestal, String Course, or other variation from plain Brickwork to be in addition to the thickness prescribed for the Brickwork, but no Cornice shall project more than the thickness of the Brickwork at the top of the Shaft.

(8) Every Iron Cap to be in one Casting (or in parts bolted together), not less than one inch thick, and held down by Iron Bolts let into the Brickwork.

(41 a) Guttering and Rain-water Pipes.

The Roof or Flat of every Building shall be so constructed that all Water falling thereon shall be received in suitable gutters and thence conveyed into a Pipe or Trunk extending from the Roof to the ground, and so connected with the gutters as to carry off the rain water without causing dampness in any part of the Wall or Foundation.


(See also “*Towns Improvement Clauses Act*,” sec. 74, p. 155, as to Urban District).

Additional,
Byelaw to
No. 41, p.
534.

Proviso to
Byelaw No.
42, p. 535.

Air Space to Building Fronting on Street laid out before the confirmation of the Byelaws.

Where a Domestic Building (*def. p. 522*), is intended to front on a Street of a less width than 24 ft. laid out before the confirmation of the Byelaws, such Open Space shall extend to the whole width of such Street plus one-half the difference between such width and 24 ft.

1st Proviso
to Byelaw
No. 43, p.
535.  :

Site adjoining two Streets meeting at an Acute Angle.

Where the Site of a Domestic Building (*def. p. 522*) abuts on two or more Streets, and is of such form and dimensions as to render it impracticable to provide the Open Space in the rear prescribed in Byelaw 43, the following requirements shall be observed—

(a) An Open Space* shall be provided on the side or sides (other than the Front†) of such Building abutting on such Streets of not less than 10 ft. from every part thereof to the opposite side of such Streets, and which shall be free from any erection thereon above ground level, except any Portico, Porch, Step, or other like projection from such Building, or any Gate, Fence, or Wall not exceeding 7 ft. high.

(b) An Open Space, *exclusively belonging to such Building*, shall be provided on one side (other than the Front,† of not less than 10 ft. in width and 10 ft. across, and which shall be free from any erection thereon above ground level, except a Water-closet, Earth-closet, or Privy and an Ash-pit, and connected with one of the Streets on which such Building abuts by a Passage or other similar opening so arranged as to afford free circulation of air between such Open Space and Street.

* This open Space can be in the Street; but if such Street be less than 10 ft. in width, the Building must be set back to give the requisite space of 10 ft. •

† For open Space in Front, see Byelaw 42, p. 535.

The aggregate extent of such Open Spaces shall be not less than 250 sq. ft.

Open Space at Sides of Building in lieu of at Rear.

When the depth of the Site of a Domestic Building (*def. p. 522*), renders it impracticable to provide in the Rear the Open Space prescribed, in Byelaw 43, the following requirement shall be observed—

2nd Proviso to
Byelaw No. 43, p. 535.

An Open Space shall be provided on *each* of the two sides of such Building (extending for the full depth thereof and communicating directly with any Open Space provided in the Front or Rear) *exclusively belonging thereto* and free from any erection thereon above ground level, except a Water-closet, Earth-closet, or Privy and an Ash-pit; and the distance across such Open Spaces from every part of such Building shall be—

Distance across Open
Spaces to be

| | |
|--|-------------------|
| 8 ft. if the Building is less than | 15 ft. in height. |
| 12 ft. „ „ 15 ft. and under | 25 ft. „ |
| 16 ft. „ „ 25 ft. „ | 35 ft. „ |
| 20 ft. „ „ is or exceeds | 35 ft. „ |

Re-erection of Buildings at the Corners of Streets.

Where a Domestic Building (*def. p. 522*) is to be *Re-erected* on a Site, two adjoining sides of which abut on Streets, and where the form, dimensions, or intended mode of use, or of its position in relation to adjoining Sites renders it impracticable to provide in the Rear the Open Space prescribed in Byelaw 43, the following requirements shall be complied with—

3rd Proviso to
Byelaw No. 43, p. 535.

(1) An Open Space* shall be provided on the side of the Building which abuts on the side Street† of not less than 10 ft. from every part of such Building to the opposite side of such Street, and of an aggregate extent of not less than 150 sq. ft.; and which shall be free from any erection thereon above ground level, except any Portico,

* This Open Space can be in the Street; but if such Street be less than 10 ft. in width, the Building must be set back to give the requisite space of 10 ft.

† For Open Space in Front, see Byelaw No. 42, p. 535.

Porch, Step, or other like projection from such Building, or any Gate, Fence, or Wall not exceeding 7 ft. in height.

(2) If the Open Space in the Rear of the Building previously occupying the Site—

(a) *exceeded* 100 sq. ft., the Open Space to be provided in the Rear shall not be less in depth and extent than that originally provided, and shall *exclusively belong to such Building*;

(b) *did not exceed* 100 sq. ft., the Open Space to be provided in the Rear shall not be less than 10 ft. in width by 10 ft. in depth (100 sq. ft.), and shall *exclusively belong to such Building*.

Such Open Spaces shall be free from any erection thereon above ground level, except a Watercloset, Earthcloset, or Privy and an Ash-pit, and shall be connected with one of the Streets by a Passage or other similar opening so arranged as to afford free circulation of air between such Open Space and Street.

4th Proviso
to Byelaw
No. 43, p.
535.

Sites tapering towards the Rear.

Where the Site of a Domestic Building (*def. p. 522*) diminishes towards the Rear and it is therefore impossible to provide the Open Space prescribed in Byelaw 43, the Open Space shall be determined in accordance with that Byelaw (*p. 535*), subject to the following exceptions—

(a) The distance across such Open Space shall be measured from the Rearmost Wall of such Building to a line at which the lateral width shall not be less than one-half of the width at such Rearmost Wall.

(b) On the off-side of such line a further Open Space shall be provided, *exclusively belonging to such Building*, of an area equal to one-third of that provided under sub-sec. (a).

This proviso shall not apply in the case of any Building forming part of a continuous line of Buildings enclosing a

Space in the Rear whether in the form of a square, or in any other form.

*** Site of Building not Concreted.**

If the Site of a Building be not covered with Concrete or Asphalt the space for ventilation between the under side of every joist and the surface of the ground shall be 9 ins. at least.

Proviso to
Byelaw
No. 45 (2),
p. 536.

Ventilating Openings to House Drains.

Where a W.C. shall have no internal communication with any Building and is distant from the Trap (*Byelaw 53, p. 538*).

Proviso to
Byelaw
No. 55, p.
538.

- (a) not more than 10 ft., neither of the Two Openings prescribed by Byelaw 55 need be provided ;
- (b) 10 ft. but not more than 30 ft., the One Opening only as prescribed in Byelaw 55 *b* need be provided.

Earth-Closets.

(1) Any Earth-closet provided with a "Fixed Receptacle for Filth" shall be situated *outside* the Building.

Proviso to
Byelaws
Nos. 60, 62-
65, p. 540.

(2) Any Earth-closet provided with a "Movable Receptacle for Filth," and situated—

- (a) *outside* the Building shall be constructed as prescribed by Byelaw 65 (*p. 542*).
- (b) *within* the Building shall be so constructed that such Receptacle shall not exceed 2 cub. ft. in capacity, and be so fitted and placed beneath the Seat as to allow all Filth to fall therein without depositing elsewhere than in such Receptacle.

84 a. Certificate that House is fit for Human Habitation.

No New Dwelling House (*def. p. 522*) shall be Let or occupied until—

Additional
Byelaw to
No. 84, p.
549.

* Applies where Byelaw 4 (2) requires Damp Sites only to be concreted, p. 524.

- (a) the Drainage shall have been completed ;
- (b) certified by a duly authorized Officer of the Sanitary Authority, after Examination, to be in his opinion, in every respect fit for Human Habitation.

BYELAWS
WITH RESPECT TO
NEW STREETS AND BUILDINGS.

Made under the Public Health Acts Amendt. Act, 1890,
(Sec. 23, p. 109).

CONTENTS.

- NO.
1. Secondary Roads for Removal of House Refuse.
 2. Paving to Yards.
 3. Heights of Rooms.
 4. Hearths and Fireplaces.

ROOFS AND FLOORS.

5. Quality, etc., of Timber.

ROOFS OF ALL BUILDINGS.

6. Description of Roofs to which specified Scantlings refer.
- 7 Common Rafters.
8. Purlins.

FLOORS OF DOMESTIC BUILDINGS.

9. Description of Floors to which specified Scantlings refer.
10. Common Bearing Joists.
11. Trimming and Trimmer Joists.
12. Beams or Girders.

FLOORS OF WAREHOUSE BUILDINGS.

13. Common Bearing Joists.
14. Trimmer and Trimming Joists.
15. Beams or Girders.

FLOORS OF PUBLIC BUILDINGS.

NO.

16. Size of Joists, Beams or Girders.

FLOORS AND STAIRCASES OF PUBLIC BUILDINGS.

17. To be of Fire-proof Materials.

WATER SUPPLY TO W.C.

18. Flushing of W.C.

BYELAWS*

WITH RESPECT TO

NEW STREETS AND BUILDINGS.

Made under the Public Health Acts Amendt. Act,
1890 (Sec. 23, p. 109).

ACCESS FOR REMOVAL OF HOUSE REFUSE.

With respect to the provision in connection with the laying out of New Streets of secondary means of access where necessary for the purpose of the removal of House Refuse and other matters.

1. Every New Street intended for use as the principal approach to any Building, where necessary, to have in connection with such Street and communicating therewith or with some other Street, a Secondary Means of Access for the removal of House Refuse and other matters.

P. H. Act Amendt. Act, 1890: Provision for keeping Common Courts and Passages clean, sec. 27, p. 111.

Byelaws as to New Streets, Nos. 1-3, p. 522.

PAVING OF YARDS.

With respect to the Paving of Yards and Open Spaces in connection with Dwelling-houses.

2. The Yard and Open Space in connection with every New

* No Byelaws under this Section have as yet been issued by the L. G. B. The above Byelaws have, however, received their sanction.

- Sec. 2. Dwelling House (*def.* p. 521) to be Paved to the extent of not less than 150 sq. ft. immediately adjoining such House and not less than 10 ft. wide from the Wall thereof with a hard durable, and impervious Pavement evenly and closely laid upon a sufficient bed of Concrete and sloped to a properly constructed Channel so as to effectually carry off all Rain or Waste Water.

Byelaws as to provision of Open Space, Nos. 42-44, p. 535.

HEIGHT OF ROOMS.

With respect to the Height of Rooms intended to be used for Human Habitation.

3. (a) All Rooms (sleeping or otherwise) intended for Human Habitation, except Attics and Rooms in the Roof, to be 8 ft. 6 ins. at least in height in every part.
- (b) All Attics and Rooms in the Roof intended as sleeping Rooms to be at least 9 ft. high to the extent of two-thirds of the superficial Floor Area, and not less than 5 ft. high in any part thereof.

Measurements of Heights of Storeys, Byelaw No. 10, p. 526. Excessively High Storeys, Byelaw No. 14, p. 528.

HEARTHES OF FIREPLACES.

With respect to Hearths.

4. The Hearth in connection with any Fireplace to be formed of hard and incombustible material, and to extend to a distance of 6 ins. on each side of such Fireplace and 18 ins. in front of the Chimney Breast.

Such Hearth to be laid upon Stone or Iron Bearers, or Brick Trimmers and bedded wholly on a foundation of Brick, Stone, or other incombustible substance, solidly

constructed to a depth of 7 ins. beneath the upper surface of Sec. 4. the Hearth.

Provided that—in the Lowest Storey the Hearth may be bedded on the solid ground, or on Asphalt or Concrete.

Byelaws as to Chimneys and Flues, Nos. 26–40, p. 532.

ROOFS AND FLOORS (Nos. 5–16).

With respect to the Roofs and the Structure of the Floors of New Buildings.

5. The Byelaws hereinafter given relating to Roofs and the Structure of Floors shall be subject to the following Rules—

(1) Timbers to be of Fir or Pine, viz. :—

The sizes herein prescribed apply only to Beams, Joists, Purlins, and Rafters of Fir or Pine of sound and good quality, if any other kind of Wood is used the sizes shall be such as will secure due stability.

(2) Timbers of different Lengths to those prescribed, viz. :—

Any Timber of a length for which no provision is made in the following Rules to be of adequate size to secure stability.

(3) Timbers of different Scantlings to those prescribed, viz. :—

In calculating the requisite strength of a Timber of the same length but of a different scantling to that herein prescribed the following Rule shall be adopted—

The sq. of the depth \times the breadth of the Substituted Timber (in inches) shall be not less than the sq. of the depth \times the breadth of Prescribed Timber (in inches).

See Byelaws as to Timber in Party Walls, No. 22, p. 531. Parapet Walls to be constructed above Roof, No. 24, p. 531. Party Wall to be carried out where Eaves of Roof project, No. 25, p. 531. Roofs to be covered with incombustible materials, No. 41, p. 534.

ROOFS (Nos. 6-8).

6. The following sizes apply only to Roofs formed in the ordinary way and covered with Slates of the usual kind, in the case of—

- (a) Roofs formed of Coupled Rafters, or of Rafters laid horizontally ;
- (b) Boarded Roofs covered with Slates ;
- (c) Roofs covered with Glass, Lead, Tiles, Stone, Iron, Cement, or other material not being Slates of the usual kind ;

the several Timbers to be of adequate size to secure stability.

MINIMUM SIZES OF ROOF TIMBERS OF ALL BUILDINGS.

7. Common Rafters—

| Distance between Bearings not exceeding | | Depth in inches. | Thickness in inches. |
|--|-------|---------------------|-------------------------|
| ft. | ins. | ins. | ins. |
| 6 | 0 . . | . . 3 . . | . . 2 |
| 7 | 6 . . | . . 4 . . | . . 2 |
| 9 | 0 . . | . . 5 . . | . . 2 |

Rafters not being more than 15 ins. apart centre to centre. Provided that—if the Rafters be of greater Dimensions than those specified, the distance apart may be proportionately greater, or, if of Less Dimensions shall be proportionately less.

Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Timber in Party Walls, Byelaw No. 22, p. 531.

8. Purlins—

| Distance between Bearings not exceeding | Distance apart not exceeding | Depth in inches. | Thickness in inches. |
|--|---------------------------------|---------------------|-------------------------|
| ft. ins. | ft. ins. | ins. | ins. |
| 6 4 | 6 0 | 5 | 3 |
| 7 6 | 9 0 | 6 | 3 |
| 8 4 | 9 0 | 7 | 3 |
| 10 4 | 9 0 | 9 | 3 |
| 12 4 | 6 0 | 8 | 6 |
| | 7 6 | 8½ | 6 |
| | 9 0 | 9 | 6 |
| 14 4 | 6 0 | 9 | 6 |
| | 7 6 | 9½ | 6 |
| | 9 0 | 10 | 6 |
| 16 4 | 6 0 | 11 | 6 |
| | 7 6 | 11½ | 6 |
| | 9 0 | 12 | 6 |
| 18 4 | 6 0 | 11 | 7 |
| | 7 6 | 11½ | 7 |
| | 9 0 | 12 | 7 |

Provided that if the Purlins be of greater Dimensions than those specified, the distance apart may be proportionately greater; or, if of Less Dimensions, shall be proportionately less.

See References to previous Byelaw.

FLOORS (Nos. 9-16).

9. The following sizes apply only to Floors formed in the ordinary way, in the case of a—

(a) Framed Floor; or

(b) Floor formed with Beams at short distances apart and covered with Battens, Deals, or Planks, without Joists.

the several Timbers to be of adequate size to secure stability.

MINIMUM SIZES OF FLOOR TIMBERS OF DOMESTIC BUILDINGS (*def. p. 522*).

10. Common Bearing Joists—

| Distance between Bearings not exceeding | Depth in inches. | Thickness in inches. | |
|--|---------------------|-------------------------|---|
| ft. ins. | ins. | ins. | |
| 3 4 . . . | 3 . . . | 2½ | |
| 5 4 . . . | 4 . . . | 2 | |
| 7 4 . . . | 4½ . . . | 2½ | |
| 9 4 . . . | 5 . . . | 2½ | |
| 11 4 . . . | 6 . . . | 2½ | One row of Bridging to be inserted between each Joist. |
| 13 4 . . . | 7 . . . | 2½ | |
| 14 4 . . . | 7 . . . | 3 | |
| 16 4 . . . | 8 . . . | 3 | |
| 18 4 . . . | 9 . . . | 3 | Two rows of Bridging to be inserted between each Joist. |
| 20 4 . . . | 10 . . . | 3 | |
| 22 4 . . . | 11 . . . | 3 | |

Joists not being more than 15 ins. apart, centre to centre. Provided that—if the Joists be of greater Dimensions than those specified the distance apart may be proportionately greater, or, if of Less Dimensions shall be proportionately less.

Where Herring-bone Strutting of materials not less than 2½ ins. deep and 1½ in. thick is constructed between the Joists, the width of such Joists may be reduced by one-sixth.

Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Timber in Party Walls, Byelaw No. 22, p. 531.

11. Trimming and Trimmer Joists.

A Trimmer Joist not to receive more than 6 Common Joists.

Every Trimming Joist receiving a Trimmer at not more than 3 ft. from one end, and every Trimmer Joist, to be 1 in. deeper and thicker than hereinbefore specified for a Common Joist of the same bearing.

Hearths of Fireplaces, Byelaw No. 4, p. 566. Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Timber in Party Walls, Byelaw No. 22, p. 531. Chimney and Flues, Byelaws Nos. 26–40, p. 532.

12. Beams or Girders* (where not supporting any Wall, Pier, or other similar structure)—

| Distance between Bearings not exceeding | | Depth in inches. | Thickness in inches. |
|---|--------|------------------|----------------------|
| feet. | | ins. | ins. |
| exceeding 8 ft., but | 10 . . | 9 . . | 6 |
| | 12 . . | 11 . . | 6 |
| | 14 . . | 11 . . | 9 |
| | 16 . . | 13 . . | 9 |
| | 18 . . | 14 . . | 10 |
| | 20 . . | 15 . . | 11 |

Beams not to be more than 10 ft. apart, centre to centre.

Provided that—if the Beams be of Greater Dimensions than those specified the distance apart may be proportionately greater, or, if of less Dimensions shall be proportionately less.

Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. As to Girder and Bressummer Bearings, Byelaw No. 20, p. 530. Timber in Party Walls, Byelaw No. 22, p. 531.

MINIMUM SIZES OF FLOOR TIMBERS OF WAREHOUSE BUILDINGS (*def. p. 522*).

13. Common Bearing Joists—

| Distance between Bearings not exceeding | | Depth in inches. | Thickness in inches. |
|---|---------------------|------------------|----------------------|
| feet. | | ins. | ins. |
| 3 . . | 4 $\frac{1}{2}$. . | 3 | |
| 4 . . | 6 . . | 2 $\frac{1}{2}$ | |
| 5 . . | 7 . . | 2 $\frac{1}{2}$ | |
| 6 . . | 7 . . | 3 | |
| 7 . . | 7 $\frac{1}{2}$. . | 3 | |
| 8 . . | 8 . . | 3 | |
| 10 . . | 9 . . | 3 | |
| 12 . . | 10 . . | 3 | |
| 14 . . | 11 . . | 3 | |
| 16 . . | 12 . . | 3 | |
| 18 . . | 11 . . | 4 | |
| 20 . . | 11 . . | 4 $\frac{1}{2}$ | |

Sec. 13. Joists not being more than 15 ins. apart, centre to centre.

Provided that—if the Joists be of Greater Dimensions than those specified the distance apart may be proportionately greater, or, if of Less Dimensions shall be proportionately less.

Where Herring-bone Strutting of materials not less than $2\frac{1}{2}$ ins. deep and $1\frac{1}{2}$ in. thick is constructed between the Joists, the width of such Joists may (except where exceeding 10 ft. in clear bearing) be reduced by one-sixth.

Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Timber in Party Walls, Byelaw No. 22, p. 531.

14. Trimming and Trimmer Joists.

A Trimmer Joist not to receive more than 6 Common Joists, and for every such Common Joist to be $\frac{1}{4}$ in. deeper and thicker than hereinbefore specified for a Common Joist of the same bearing.

A Trimming Joist receiving a Trimmer at not more than 3 ft. from one end to be $1\frac{1}{2}$ in. deeper and thicker than hereinbefore specified for a Common Joist of the same bearing.

Hearths of Fireplaces, Byelaw No. 4, p. 566. Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Chimneys and Flues, Byelaws Nos. 26-40, p. 532. Timber in Party Walls, Byelaw No. 22, p. 531.

15. Beams and Girders (where not supporting any Wall, Pier, or other similar structure)—

| Distance between Bearings not exceeding | | Depth in inches. | Thickness in inches. |
|--|--------|---------------------|-------------------------|
| | feet. | ins. | ins. |
| exceeding 8 ft., but | 10 . . | . 12 . | . 11 |
| | 12 . . | . 13 . | . 12 |
| | 14 . . | . 14 . | . 13 |
| | 16 . . | . 15 . | . 14 |
| | 18 . . | . 18 . | . 15 |
| | 20 . . | . 24 . | . 15 |

Beams not to be more than 10 ft. apart, centre to centre.

Provided that—if the Beams be of greater Dimensions

than those specified the distance apart may be proportionately greater, or, if of Less Dimensions shall be proportionately less. Sec. 15.

Quality of Timber, substituted sizes, etc., Byelaw No. 5, p. 567. Girders and Bressummer Bearings, Byelaw No. 20, p. 530. Timber in Party Walls, Byelaw No. 22, p. 531.

MINIMUM SIZES OF FLOOR TIMBERS OF PUBLIC BUILDINGS (*def. p. 522*).

16. Every Joist, Beam or Girder (not supporting any Wall, Pier, or other similar structure) of every Floor of a Public Building (*def. p. 522*), not being a Floor in a small Room intended to be used for Private Purposes or an Ante-Room, to be of sufficient size for the purpose for which it is intended, and where such Joists and Beams are not more than 1 ft. and 8 ft. apart (centre to centre) respectively, they shall be of not less size than as prescribed for Domestic Buildings (*p. 570*); or if these distances are exceeded, to be one-fifth deeper and thicker than so prescribed.

Quality of Timber, substituted sizes, Byelaw No. 5, p. 567. Girders and Bressummer Bearings, Byelaw No. 20, p. 530. Timber in Party Walls, Byelaw No. 22, p. 531.

FLOORS AND STAIRCASES OF PUBLIC BUILDINGS (*def. p. 522*).

With respect to Floors and Staircases.

17. Every flight of Stairs, and the supports thereof, of a Public Building (*def. p. 522*), and the Floors and supports of every Lobby, Corridor, Passage, and Landing therein, used as a means of access for the Public (but not otherwise), to be of Stone or other incombustible and fire-resisting material, and of adequate strength.

P. H. Act Amendment Act, 1890. Means of ingress to or egress from places of Public Resort, see. 36, p. 114.

WATER SUPPLY TO W.C.

With respect to the keeping of W.C. supplied with sufficient Water for Flushing.

18. The Occupier of any Premises to cause the W.C. to be at all times properly supplied with sufficient Water for Flushing purposes.

Where, however, any W.C. is common to two or more Premises, the foregoing requirement to apply to the Person having the control of such W.C.

Construction of W.Cs., Nos. 60, 61, p. 540.

P. H. Act, 1875. Power of L. A. to require Houses to be supplied with Water, sec. 62, p. 185.

P. H. (Water) Act, 1878. Provision of Water Supply in R. Districts where there is no available Supply, secs. 3, 6, 7, 9, p. 191.

BYELAWS

WITH RESPECT TO

ALTERATIONS TO BUILDINGS.

Made under the Public Health Acts Amendt. Act, 1890
(Sec. 23, p. 109).

CONTENTS.

no.

1. No alterations contravening Byelaws to be made.
2. Notice, Plans, and Sections of Alterations to be given.
3. Surveyor may require Irregular Work to be amended.
4. Notice to be given Surveyor on Amendment of Irregularities.
5. Surveyor to have free access.
6. Penalties.

BYELAWS
WITH RESPECT TO
ALTERATIONS TO BUILDINGS.

Made under the P. H. Acts Amendt. Act, 1890
(Sec. 23, p. 109).

For preventing Buildings, which have been Erected in accordance with Byelaws made under the Public Health Acts, from being altered in such a way that, if at first so constructed, they would have contravened the Byelaws.

1. Where any Building has been erected in accordance with the requirements of any Byelaws made under the Public Health Acts, and in force at the time of such erection, no Person shall alter such Building in such a way that the same as altered would, if at first so constructed, have contravened any such Byelaws.

P. H. Act, 1875 : Penalty for building over Sewers in U. District, sec. 26. Power to regulate line of Buildings, sec. 155. Buildings not to be brought forward, sec. 156. Byelaws, sec. 157, and p. 517. Definition of New Building, sec. 159.

P. H. Act Amendt. Act, 1890, p. 97. Byelaws, sec. 23, and p. 563. Buildings described in deposited plans other than as Dwelling-houses not to be used as such, sec. 33. Hoards to be set up during progress of Buildings, sec. 34. Means of egress and ingress in connection with places of public Resort, sec. 36.

Towns Impt. Clauses Act, 1847, p. 149. Improving line of Streets and removing Obstructions, secs. 66-74. Ruinous and Dangerous Buildings, secs. 75-78 ; also see References to New Buildings, p. 524.

NOTICES, DEPOSIT OF PLANS, INSPECTION, ETC.

As to the giving of Notices, Deposit of Plans and Sections by Persons intending to alter Buildings; and as to Inspection by the L. A.

2. Notice, Plans, and Sections of Alteration.

Every Person intending to Alter a Building in regard to any matter as to which a Byelaw was in force when the same was Erected shall send Written Notice of such intention to the Surveyor, together with—

- (a) Plans and Sections (scale not less than 1 in. to 8 ft.) showing the position, form, and dimensions of the several parts intended to be Altered;
- (b) a Description in Writing of the Materials to be used;
- (c) a Block Plan, scale not less than 1 in. to 44 ft.

3. Surveyor may require Irregular Work to be amended.

The Surveyor may at any reasonable time, during the progress or after the completion of such Alteration, by Written Notice, require within a reasonable time specified therein, anything done contrary to any such Byelaw, as aforesaid, to be amended, or anything omitted therefrom to be done.

4. Notice to be given Surveyor on Amendment of Irregularities.

Written Notification shall be sent to the Surveyor within a reasonable time after the completion of any Work executed in accordance with such Requirement (3), and free access given him thereto at all reasonable times within a period of 7 days from the receipt of such Notice for the purpose of Inspection.

5. Surveyor to have Free Access.

The Surveyor shall have free access at all reasonable times during such Alteration for the purpose of Inspection.

PENALTIES.

6. Penalty not exceeding £5 for every Offence against any Byelaw, and a further Daily Penalty not exceeding £2 in the case of a Continuing Offence after Written Notice thereof from the Authority.

Notice requiring Irregular Work to be amended, No. 3. Removal² of Irregular Work, No. 86, p. 550; also—

P. H. Act, 1875. Removal of work contrary to Byelaws, secs. 157, 158, p. 48. Summary proceedings for recovery of penalties, etc., sec. 251, p. 72. Limitation of time for complaint, etc., sec. 252, p. 72. Restriction on recovery of penalties, sec. 253, p. 72.

MODEL BYELAWS

OF THE

LOCAL GOVERNMENT BOARD

WITH RESPECT TO

CLEANSING OF FOOTWAYS AND PAVEMENTS, REMOVAL OF
HOUSE REFUSE, CLEANSING OF EARTH-CLOSETS,
PRIVIES, ASH-PITS, AND CESSPOOLS.

Made under the Public Health Act, 1875, Sec 44, p. 26.

The Occupier of any Premises shall at least—

| Once in every | Execute and perform the following obligations. |
|-------------------------------|--|
| (1.) Day (Sundays excepted) . | Cleanse the Footways and Pavements of any Street as front, adjoin, or abut on such Premises. |
| (2.) Week . . | Remove the House Refuse. |
| (3.) „ . . | Cleanse every Ash-pit used as a Receptacle for Ashes, Dust, and Dry Refuse. |
| (4.) „ . . | Cleanse every Ash-pit used in connection with a Privy as a Receptacle for Fœcal Matter, together with Ashes, Dust, and Dry Refuse. |
| (5.) „ . . | Cleanse every Privy furnished with a Fixed or Movable Receptacle for Fœcal Matter. |
| (6.) „ . . | Cleanse every Earth-closet furnished with a Movable Receptacle for Fœcal Matter. |
| (7.) Three months . | Cleanse every Earth-closet furnished with a Fixed Receptacle for Fœcal Matter. |
| (8.) „ . . | Cleanse every Cesspool. |

Penalty not exceeding £5 for every Offence against any of the above Byelaws.

BYELAWS WITH RESPECT TO NUISANCES.

Made under Sec. 44 of the P. H. Act, 1875 (*p.* 26).

*For the prevention of Nuisances arising from Snow.**

1. For the prevention of Nuisances arising from Snow.

The Occupier of any Premises fronting, adjoining, or abutting on any Street, shall remove all Snow accumulated on the Footways or Pavements adjoining such Premises as soon as conveniently may be after the cessation of any fall of Snow.

The Snow so removed shall not be deposited on any Footway or Pavement, or unduly accumulated upon any Channel, Carriageway, or Pitched Crossing.

If Salt be mixed with the Snow to facilitate removal, the whole of the mixture resulting shall forthwith be effectually removed from such Footway or Pavement.

* Sec. 44 also authorises the making of Byelaws for the prevention of—

(a) Nuisances arising from Filth, Dust, Ashes, and Rubbish;

(b) the keeping of Animals on any Premises so as to be injurious to health.

SUBJECTS OF BYELAWS

AND THE

AUTHORISING ACTS.

For Powers of L. G. B. to invest RURAL A. with Powers of URBAN A. see PUBLIC HEALTH ACT, 1875,
Sec. 276 (p. 77).

| Authorities by whom Byelaws may be made. | Subjects of Byelaws. | Authorising Acts. | Section. | Page. | See Bye- laws on page | Remarks. |
|--|---|-------------------------|----------|-------|-----------------------------|--|
| URBAN A. | NEW STREETS AND BUILDINGS with respect to :— Level, Width, Construction, and Sewerage of New Streets | PUBLIC HEALTH ACT, 1875 | 157 | 47 | 517 | (1) Extended by the Public Health Acts Amendt. Act, 1890, sec. 23, p. 109. |
| | Structure of Walls, Founda- tions, Roofs, and Chimneys of New Buildings, for securing Stability, preven- tion of Fires, and purposes of Health | ... | ... | ... | 522 | (2) Extended to Rural As. with respect to "Structure of Walls and Founda- tions," by the P. H. Acts Amendt. Act, 1890, sec. 23 (s.s. 3, g), p. 109. |
| | | ... | ... | ... | 524 | |

| | | | | | | | |
|----------|---|--------------------|--------------------|-----|-----|---|--|
| URBAN A. | Air space about and Ventilation of Buildings | ... | ... | ... | ... | 535 | (3, 4) Extended to Rural As. by the P. H. Acts Amendt. Act, 1890, sec. 23 (s.s. 3, <i>h, i</i>), p. 110. |
| | Drainage of Buildings,* W.Cs., E.Cs., Privies, Ash-pits, and Cesspools; also :— | ... | ... | ... | ... | 537 | |
| | Closing or prohibition of use of Buildings unfit for Human Habitation | ... | ... | ... | ... | 546 | |
| | Notices, Deposit of Plans, Inspection by U. A.; also :— | ... | ... | ... | ... | 547 | (5) As to Commencement of Works and Removal of Works, contrary to Byelaws, see P. H. Act, 1875, sec. 158, p. 49. |
| | Removal of Work done contrary to Byelaws | ... | ... | ... | ... | 550 | |
| | NEW STREETS AND BUILDINGS (<i>continued</i>)— | PUBLIC HEALTH ACTS | 23 | 109 | 563 | Extension of Sec. 157, Public Health Act, 1875 (p. 47). | |
| | Keeping W.Cs. supplied with sufficient Water for Flushing | AMENDT. ACT, 1890 | (s.s. <i>a-d</i>) | ... | 574 | | |
| | Structure of Floors, Hearths, Staircases, and Heights of Rooms | ... | ... | ... | 566 | | |
| | Paving of Yards and Open Spaces to Dwelling Houses | ... | ... | ... | 565 | | |
| | Provision (in connection with New Streets) of secondary means of Access for Removal of House Refuse | ... | ... | ... | 565 | | |

* Extended to all Existing Buildings by Sec. 23, P. H. Acts Amendt. Act, 1890 (p. 109).

| Authorities by whom Byelaws may be made. | Subjects of Byelaws. | Authorising Acts. | Section. | Page. | See Byelaws on page | Remarks. |
|--|---|--------------------------------------|---------------------------|-------|---------------------|---|
| RURAL A. | Structure of Floors and Heights of Rooms | PUBLIC HEALTH ACTS AMENDT. ACT, 1890 | 23 (s.s. <i>h, l</i>) | 110 | 566 | |
| | Keeping of W.C. supplied with sufficient Water for Flushing | ... | ... | ... | 574 | |
| | Structure of Walls and Foundations of New Buildings | Do. | 23 (s.s. <i>g-i</i>) | 109 | 524 | |
| | Air space about and Ventilation of Buildings | ... | ... | ... | 535 | |
| | Drainage of Buildings, W.Cs., E.Cs., Privies, Ash-pits, and Cesspools | ... | ... | ... | 537 | |
| | Closing and prohibition of the use of Buildings unfit for Human Habitation | ... | ... | ... | 546 | |
| LOCAL A. | EXISTING BUILDINGS with respect to:— Drainage of Buildings, W.Cs., E.Cs., Privies, Ash-pits, and Cesspools | Do. | 23 (s.s. <i>e, f</i>) | 109 | | Extension of Byelaws under P. H. Act, 1875, sec. 157 (as amended by Sec. 23 of this Act), so as to affect Buildings erected before the time specified in the aforesaid Section (157). |
| | Keeping W.Cs. supplied with sufficient Water for Flushing | ... | ... | ... | 537 | |
| | | ... | ... | ... | 574 | |

| LOCAL A. | ALTERATIONS TO BUILDINGS | Do. | 23 (s.s. 4) | 110 | 575 |
|----------|---|--------------------------------------|----------------|-----|---|
| | For preventing Buildings erected in accordance with Byelaws made under the P. H. Acts, being altered so as to contravene such Byelaws | | | | |
| LOCAL A. | CLEANSING FOOTWAYS AND PAVEMENTS | PUBLIC HEALTH ACT, 1875 | 44 | 26 | 579 |
| | NUISANCES, HOUSE REFUSE, ETC. :— Removal of House Refuse by Occupier | Do. | 44 | 26 | 579 |
| | Cleansing of E.Cs., Privies, Ash-pits, and Cesspools | Do. | 44 | 26 | 579 |
| LOCAL A. | Removal of House Refuse by L. A. | PUBLIC HEALTH ACTS AMENDT. ACT, 1890 | 26 (s.s. 2) | 111 | Byelaws to compel Occupiers to facilitate Removal, when undertaken by L. A. |
| URBAN A. | Removal of Offensive Matter | Do. | Do. | 111 | |
| | (a) Prescribing times for Removal or Carriage through Street of Fæcal, Offensive, etc., Matter or Liquids | | | | |
| | (b) Respecting the Vessel, or Cart, etc., to be provided for Conveyance of Offensive matter | | | | |
| | (c) Compelling the Cleansing of any place whereon such matter has been dropped | | | | |

| Authorities by whom Byelaws may be made. | Subjects of Byelaws. | Authorising Acts. | Section. | Page. | See Bye-laws on page | Remarks. |
|--|---|--------------------------------------|----------|-------|----------------------|---|
| URBAN A. | Prevention of N. from Snow, Filth, Dust, Ashes or Rubbish | PUBLIC HEALTH ACT, 1875 | 44 | 26 | 580 | |
| URBAN A. | Prevention of the keeping of Animals on any premises so as to be injurious to Health. | Do. | 44 | 27 | | |
| { URBAN A. PARISH COUNCIL. | PLEASURE GROUNDS | Do. | 164 | 52 | | |
| | COMMONS— | Local Gov. Act, 1894 | 8 | 394 | | |
| URBAN A. | Prevention of Nuisances and keeping Order | COMMONS ACT, 1876 | 5 | | | Sec. 15 of this Act authorises the Owners of skirts or rights of pasture on any regulated pasture (with consent of the Lord of the Manor) to make Byelaws for similar purposes as Sec. 5. |
| LOCAL A. | Lodging Houses with respect to:— Common Lodging Houses | PUBLIC HEALTH ACT, 1875 | 80 | 31 | | |
| LOCAL A. | Houses let in Lodgings | Do. | 90 | 31 | | |
| LOCAL A. | Lodging Houses for the Working Classes | HOUSING OF WORKING CLASSES ACT, 1890 | 62 | 352 | | Except in the case of a Lodging House occupied as a Separate Dwelling. |

| | | | | | |
|----------|--|---|-----|-----|---|
| LOCAL A. | Seamen's Lodging-Houses | MERCHANT SHIPPING (FISH- ING BOATS) ACT, 1883 | 9 | 314 | |
| LOCAL A. | TENTS, VANS, SHEDS, ETC.— Promotion of Cleanliness in, and the habitable Con- dition of, for the prevention of Infectious Disease and Nuisances | HOUSING OF THE WORKING CLASSES ACT, 1885 | | | |
| URBAN A. | OFFENSIVE TRADES | PUBLIC HEALTH ACT, 1875 | 113 | 39 | |
| URBAN A. | SLAUGHTER HOUSES— Management and Charges where belonging to the U. A. | Do. | 169 | 54 | |
| URBAN A. | Licensing, Registering, and Inspection, Prevention of Cruelty, Cleanliness, Water Supply, etc. (where not belonging to the U. A.) | TOWNS IMPROVEMENT CLAUSES ACTS, 1847 | 128 | 150 | |
| LOCAL A. | MORTUARIES | PUBLIC HEALTH ACT, 1875 | 141 | 39 | |
| URBAN A. | BURIAL GROUNDS— Preservation and Regula- tion of | LOCAL GOVERNMENT ACT (1858) AMENDMENT ACT, 1861 | 21 | 94 | For powers of L. A. as to In- terment, Cemeteries, etc., see the following Acts, viz.:— P. H. Act, 1875, sec. 141, p. 39; P. H. (Interments) Act, 1879, p. 167; Cemeteries Clauses Act, 1847, p. 168. |

| Authorities by whom Byelaws may be made. | Subjects of Byelaws. | Authorising Acts. | Section. | Page. | See Bye-laws on page | Remarks. |
|--|---|--|------------------|-------|----------------------|---|
| URBAN A. | MARKETS | MARKET AND FAIRS CLAUSES ACT, 1847 | 42 | | | Incorporated with the Public Health Act, 1875, sec. 167, p. 53. |
| LOCAL A. | HOP-PICKERS } Lodging and } Accommoda- } tion of } | PUBLIC HEALTH ACT, 1875 | 314 | 86 | | |
| LOCAL A. | FRUIT-PICKERS | PUBLIC HEALTH (FRUIT-PICKERS LODGINGS) ACT, 1882 | 2 | | | |
| URBAN A. | TELEGRAPHIC AND ELECTRIC WIRES, ETC. :— Prevention of Danger or Obstruction to the public from Telegraph Posts, Wires, Tubes, etc., above, over, along, or across any Street | PUBLIC HEALTH ACTS AMENDMENT ACT, 1890 | 13 (s.s. 1-4) | 102 | | As to Exempted Apparatus of Railway and Canal Co., etc., see sec. 13, 14. |
| LOCAL A. | For Securing the Safety of the public from Injury, or Fire, or otherwise | ELECTRIC LIGHTING ACT, 1882 | 6 | 259 | | Regulations may be made by the Bd. of T. for the same purposes, under this Section. |
| URBAN A. | BATHS AND WASH-HOUSES | BATHS AND WASH-HOUSES ACT, 1846 | 34 | | | As to Controlling A., see Public Health Act, 1875, sec. 10. |

| | | | | | |
|----------|--|--------------------------------------|-----|-----|---|
| URBAN A. | SWIMMING-BATHS (covered or open) | BATHS AND WASH-HOUSES ACT, 1878 | 6 | | This Act, together with the "Baths and Wash-houses Acts, 1846-47," and the Public Health Act, 1875, to be construed together as one Act. As to Controlling A., see P. H. Act, 1875, sec. 10. |
| URBAN A. | PUBLIC BATHING | TOWNS POLICE CLAUSES ACT, 1847 | 69 | 160 | Incorporated with the Public Health Act, 1875, sec. 171, p. 54. |
| URBAN A. | PLEASURE GROUNDS | PUBLIC HEALTH ACT, 1875 | 164 | 52 | |
| URBAN A. | HORSES, ETC., PLEASURE BOATS AND VESSELS. Licensing for Hire | PUBLIC HEALTH ACT, 1875 | 172 | 54 | |
| URBAN A. | BOATS. Licensing, etc., for Hire in Public Parks and Pleasure Grounds | PUBLIC HEALTH ACTS AMENDT. ACT, 1890 | 44 | 118 | |
| URBAN A. | WHIRLIGIGS. SWINGS (driven by Steam) and SHOOTING GALLERIES. For Prevention of Danger from | PUBLIC HEALTH ACTS AMENDT. ACT, 1890 | 38 | 116 | |
| URBAN A. | HACKNEY CARRIAGES. | TOWNS POLICE CLAUSES ACT, 1847 | 68 | 160 | Incorporated with the Public Health Act, 1875, sec. 171, p. 54. |
| URBAN A. | CABMEN'S SHELTERS | PUBLIC HEALTH ACTS AMENDT. ACT, 1890 | 40 | 116 | |

| Authorities by whom Byelaws may be made. | Subjects of Byelaws. | Authorising Acts. | Section. | Page | See Byelaws on page | Remarks. |
|---|---------------------------|--|----------|------|---------------------|--|
| LOCAL A. | TRAMWAYS | TRAMWAYS ACT, 1870 | 46 | 429 | | The L. A., whether the Undertakers or not, may make Byelaws as to:— Rate of Speed; and Intervals of Running, of Cars. Stationary points, General Traffic on Road, etc. Where the L. A. are the Undertakers, they may make Byelaws for:— Preventing Nuisances and Regulating the travelling. Sec. 31, Highways and Loco. Amendt. Act, 1878, authorises the County A. and all Quarter Sessions Boroughs to make Byelaws <i>re</i> Locos., which power is limited by the Loc. Gov. Act, 1888, sec. 35, to Quarter Sessions Boroughs <i>of, or over</i> , 10,000 <i>pop.</i> The power to make Byelaws is also extended to County Boroughs by sec. 34, Loc. Gov. Act, 1888 (p. 379). |
| (COUNTY C. QUARTER SESSIONS BOROUGH (with pop. of 10,000) COUNTY BOROUGH. | LOCOMOTIVES (on Highways) | HIGHWAYS AND LOCOMOTIVES AMENDT. ACT, 1878 | 31 | 499 | | Sec. 32. Highways and Loco. Amendt. Act, 1878, authorises the County A. to make Byelaws as to Locos., which power is extended to County Boroughs by the Loc. Gov. Act, 1888, sec. 34 (p. 379). |
| (COUNTY C. COUNTY BOROUGH. | DITTO, LICENSES FOR | Do. | 32 | 500 | | |

| | | | | | |
|--|---|-------------------------------------|----|-----|--|
| { COUNTY C. — COUNTY BOROUGH. | WAGGONS, WAINS, CARTS, OR CARRIAGES— As to Width, Construction, and Locking of Wheels, where drawn by Animal power on Highways | Do. | 26 | 483 | For Regulations as to Bicycles, see Loc. Gov. Act, 1888, sec. 85, p. 386. |
| { COUNTY C. — COUNTY BOROUGH. | GATES ON HIGHWAYS— Prohibiting the Erection of Gates across or opening outwards on, Highways | Do. | 26 | 483 | |
| { BOROUGH. — COUNTY C. | LOCAL GOVERNMENT— (1) Good Rule and Govern- ment of the Borough (2) Prevention or Suppres- sion of Nuisances not already punishable. | MUNICIPAL CORPORATIONS ACT, 1882 | 23 | | The Loc. Gov. Act, 1888, sec. 16 (p. 376), extends the power to make Byelaws to the County C. |

INDEX.



| A | PAGE | SEC. |
|--|---------|----------|
| Abatement of Nuisances | 34 . . | 94 |
| (See also Nuisances.) | | |
| Accommodation for Working Classes— | | |
| displaced by improvement scheme | 325 . . | 11 |
| application of lands for | 331 . . | 23 |
| displaced by scheme for re- construction of unhealthy buildings | 343 . . | 40 |
| Accounts— | | |
| officers | 61 . | 195, 196 |
| audit of — under P. H. Act, 1875 | 69 . | 245, 250 |
| and audit under Housing of the Working Classes Act, 1890 | 357 . . | 80 |
| highway surveyor's, open to inspection | 442 . . | 40 |
| Highway Bds.' | 472 . . | 36 |
| „ audit of | 478 . . | 9 |
| of parishes, audit of | 478 . . | 9 |
| County Council's | 385 . . | 71 |
| lighting inspectors' | 246 . | 18, 19 |
| Accumulations of Manure, etc. | | |
| removal of — on inspector's certificate | 29 . . | 49 |
| periodical removal of | 29 . . | 50 |
| a nuisance | 32 . . | 91 |
| sale of — by L. A. | 36 . . | 101 |
| snow on highway | 441 . . | 26 |
| Action— | | |
| against L. A., notice of | 74 . . | 264 |
| against owner of loco. for N. | 494 . . | 13 |
| Acts— | | |
| Public Health Act, 1875 (38 & 39 Vict., cap. 55) | I | |
| Public Health (Building in Streets) Act, 1888 (51 & 52 Vict., cap. 52) | 96 | |

| Acts— | PAGE | SEC. |
|--|------|------|
| Public Health Acts Amend- ment Act, 1890 (53 & 54 Vict., cap. 59) | 97 | |
| Private Street Works Act, 1892 (55 & 56 Vict., cap. 57) | 121 | |
| Rivers Pollution Prevention Act, 1876 (39 & 40 Vict., cap. 75) | 129 | |
| Rivers Pollution Prevention Act, 1893 (56 & 57 Vict., cap. 31) | 140 | |
| Public Health Act, 1875 (Support of Sewers), Amendment Act, 1883 (46 & 47 Vict., cap. 37) | 141 | |
| Quarry (Fencing) Act, 1887 (50 & 51 Vict., cap. 19) | 147 | |
| Towns Improvement Clauses Act, 1847 (10 & 11 Vict., cap. 34) | 149 | |
| Towns Police Clauses Act, 1847 (10 & 11 Vict., cap. 89) | 159 | |
| Public Bodies Corrupt Practices Act, 1889 (52 & 53 Vict., cap. 69) | 164 | |
| Public Health (Interments) Act, 1879 (42 & 43 Vict., cap. 31) | 167 | |
| Barbed Wire Act, 1893 (56 & 57 Vict., cap. 32) | 173 | |
| Short Titles Act, 1892 | 175 | |
| Public Health Act, 1875 (Provisions as to Water) | 179 | |
| Public Health (Water) Act, 1878 (41 & 42 Vict., cap. 25) | 190 | |
| Waterworks Clauses Act, 1847 (10 Vict., cap. 17) | 197 | |
| Waterworks Clauses Act, 1863 (26 & 27 Vict., cap. 93) | 214 | |

| | PAGE | SEC. | | PAGE | SEC. |
|---------------------------------------|------|--------|---|------|-------|
| Acts— | | | Adoption of— | | |
| Gasworks Clauses Act, 1847 | | | Watching and Lighting | | |
| (10 Vict., cap. 15) | 223 | | Act, 1833 | 245 | 8-9 |
| Gasworks Clauses Act, 1871 | | | power of parish meeting as | | |
| (34 & 35 Vict., cap. 41) | 232 | | to | 393 | 7 |
| Watching and Lighting | | | Advertisements of L. A.— | | |
| Act, 1833 | 245 | | destroying, etc. | 84 | 306 |
| Electric Lighting Acts, | | | defacing | 119 | 48 |
| 1882-1888 | 253 | | form of — under Housing | | |
| Telegraph Acts, 1863-1892 | 297 | | of the Working Classes | | |
| Housing of the Working | | | Act, 1890 | 332 | 27 |
| Classes Act, 1885 (48 & | | | L. G. B. may dispense with | 332 | 28 |
| 49 Vict., cap. 72) | 313 | | Agent (<i>see</i> definition of | | |
| Housing of the Working | | | “Owner”) | 8 | 4 |
| Classes Act, 1890 (53 & | | | Air Space about Buildings— | | |
| 54 Vict., cap. 70) | 316 | | power of U. A. to make | | |
| Working Classes Dwellings | | | byelaws as to | 48 | 157 |
| Act, 1890 (53 & 54 Vict., | | | in front (byelaws) | 535 | 42 |
| cap. 16) | 362 | | in rear | 535 | 43 |
| Local Government Act, | | | not to be diminished (bye- | | |
| 1888 | 367 | | laws) | 536 | 44 |
| Local Government Act, 1894 | 389 | | Alley, unhealthy (<i>see also</i> | | |
| Tramways Act, 1870 | 417 | | Unhealthy Areas) | 322 | 4 |
| Highways Acts, 1835-1891 | 436 | | Alteration of— | | |
| Locomotive Acts, 1861-1878 | 490 | | sewers | 15 | 18 |
| Railway Clauses Acts, | | | gas and water pipes | 46 | 153 |
| 1845-1863 | 502 | | ” ” by Rail- | | |
| (<i>See also</i> Incorporated Acts.) | | | way Co. | 505 | 18-23 |
| Adjoining District— | | | byelaws | 57 | 182 |
| communication of sewers | | | areas | 76 | 270 |
| with | 19 | 28 | ” | 383 | 50-63 |
| use of sewers by person in | 16 | 22 | sewers affecting water | | |
| construction of sewage | | | supply | 90 | 333 |
| works in | 21 | 32-34 | buildings, power of L. A. | | |
| cleansing ditches near | | | to make byelaws as | | |
| boundary of | 28 | 48 | to | 110 | 23 |
| water supply to | 185 | 61 | byelaws under sec. 23 | 575 | 1-6 |
| pollution of stream by | | | Analysis of Water in polluted | | |
| sewage of | 188 | 69 | Wells, etc. | 188 | 70 |
| nuisance in | 38 | 108 | Animals, keeping of— | | |
| execution of work in and | | | power of U. A. to make | | |
| jointly with | 78 | 285 | byelaws as to | 27 | 44 |
| payment by user of sewer in | 91 | 337 | in dwelling-house, or so as | | |
| Adoption of— | | | to be a N. | 28 | 47 |
| P. H. Act Amendment Act, | | | a nuisance | 32 | 91 |
| 1890 | 99 | 3 | Annual Report of L. A.— | | |
| Part III., Housing of the | | | to L. G. B. | 61 | 206 |
| Working Classes Act, | | | to be published | 61 | 206 |
| 1890 | 349 | 54, 55 | Appeal to L. G. B. | 75 | 268 |
| Baths and Washhouses Act | 12 | 10 | Appeal to Quarter Sessions | 75 | 269 |
| Private Street Works Act, | | | under P. H. A. Amend- | | |
| 1892 | 122 | 2-4 | ment Act, 1890 | 100 | 7 |
| private streets, under P. H. | | | Appearance of L. A. in pro- | | |
| A., 1875 | 45 | 152 | ceedings | 74 | 259 |
| private streets, under P. H. | | | Application of Penalties | 73 | 254 |
| A. Amendment Act, 1890 | 116 | 41 | Appointment of Officers of— | | |
| private streets, under | | | Urban A. | 59 | 189 |
| Private Street Works | | | Rural A. | 60 | 190 |
| Act, 1892 | 127 | 19-20 | Highway Bd. | 462 | 12-16 |

| | PAGE | SEC. | | PAGE | SEC. |
|-------------------------------------|---------|---------|------------------------------|---------|---------|
| Apportionment of Expense of— | | | Ash-pit— | | |
| joint sewer | 17 . . | 23 | byelaws may be extended to | | |
| „ examination and | | | old buildings | 110 . . | 23 |
| cleansing of | 107 . . | 19 | occupation of room over . . | 110 . . | 24 |
| cleansing ditches near | | | secondary means of access | | |
| boundaries | 28 . . | 48 | to remove contents of . . | 109 . . | 23 |
| private streets, paving, etc., | | | byelaw as to secondary | | |
| of | 44 . . | 150 | means of access | 565 . . | I |
| private streets, paving, etc., | | | situation of (byelaws) . . | 542 . . | 66-68 |
| of | 125 . . | 10-13 | not to communicate with | | |
| providing sewers or water | | | sewers, etc. (byelaws) . . | 543 . . | 69 |
| supply by R. A. | 65 . . | 229 | construction of (byelaws) . | 545 . . | 74 |
| water, joint supply | 192 . . | 3 | Assistant-Surveyor— | | |
| Approaches— | | | to Board for repair of high- | | |
| to new county bridges, re- | | | ways | 438 . . | 18 |
| pair of | 439 . . | 21 | neglect of duty by | 439 . . | 20 |
| Aqueduct— | | | Highway Bd. may appoint | 462 . . | 12-16 |
| power of Railway Co. to | | | Audit of Accounts— | | |
| construct | 504 . . | 16 | under P. H. A., 1875 . . . | 69 . . | 245-250 |
| Arbitration | 56 . . | 179-181 | protection of authority and | | |
| as to expenditure, etc., of | | | officers at | 74 . . | 265 |
| Highway Bd. | 472 . . | 37-44 | under Housing of the Work- | | |
| Arches (see Cellars and | | | ing Classes Act, 1890 . . | 357 . . | 80 |
| Bridges). | | | of Highway Bd. and parishes | 478 . . | 9 |
| Areas— | | | of County Council | 385 . . | 71 |
| alteration of | 76 . . | 270 | Authorities— | | |
| „ | 383 . . | 50-63 | urban | 10 . . | 5-6 |
| and boundaries | 406 . . | 36-42 | rural | 11 . . | 9 |
| (See also unhealthy areas.) | | | rural may be invested with | | |
| Ashes— | | | U. powers | 77 . . | 276 |
| not to be thrown into | | | may combine for execution | | |
| streams | 118 . . | 47 | of works | 78 . . | 285 |
| (See also “House Refuse.”) | | | port sanitary | 79 . . | 287-292 |
| Ash-pit— | | | riparian | 79 . . | 287-292 |
| definition | 100 . . | 11 | defaulting | 82 . . | 299 |
| building house without . . | 22 . . | 35 | damaging property of . . | 84 . . | 306 |
| existing „ | 22 . . | 36 | change of name of | 85 . . | 311 |
| factory without | 23 . . | 38 | duty of — to carry out the | | |
| „ | 108 . . | 22 | law | 313 . . | 7 |
| U. A. may provide public | | | (See also Urban and Rural | | |
| ash-pits | 23 . . | 39 | Authorities.) | | |
| to be properly kept | 24 . . | 40 | | | |
| examination of — on com- | | | | | |
| plaint | 24 . . | 41 | | | |
| cleansing, L. A. to provide | | | | | |
| for | 25 . . | 42 | | | |
| neglect to cleanse, penalty | | | | | |
| on L. A. for | 26 . . | 43 | | | |
| power of L. A. to make | | | | | |
| byelaws as to cleansing . . | 26 . . | 44 | | | |
| Byelaws under sec. 44 . . . | 579 | | | | |
| for cellar dwellings | 30 . . | 72 | | | |
| a nuisance | 31 . . | 91 | | | |
| power of U. A. to make bye- | | | | | |
| laws as to | 48 . . | 157 | | | |
| power of R. A. to make bye- | | | | | |
| laws as to | 110 . . | 23 | | | |
| Byelaws under sec. 157 . . | 545 . . | 74 | | | |

B

| | | |
|--------------------------------------|---------|--------|
| Bakehouse Regulation Act . . | 11 . . | 10, 11 |
| Balcony— | | |
| safety of — on public occa- | | |
| sions | 115 . . | 37 |
| Ball-room, Public (see Public | | |
| Building). | | |
| Banks— | | |
| for protection of causeways | 441 . . | 24 |
| obstructing highway . . . | 441 . . | 26 |
| „ | 487 . . | 2 |
| damaging — of highway . . | 449 . . | 72 |
| Barbed Wire Act, 1893— | | |
| removal of, where nuisance | | |
| to highway | 173 . . | 3 |

| | PAGE | SEC. |
|--|---------|--------|
| Bridge— | | |
| contract for repair of roads over | 471 . . | 22 |
| County A. may accept | 480 . . | 21 |
| „ may contribute towards | 481 . . | 22 |
| transfer of — to C. C. | 370 . . | 3 |
| „ to County Borough | 379 . . | 34 |
| C. C. may purchase or erect | 371 . . | 6 |
| maintenance of by C. C. | 371 . . | 11 |
| improvement of | 488 . . | 3 |
| (See also County Bridges.) | | |
| Bridleway— | | |
| under Local Act, saving for | 456 . . | 113 |
| Brook— | | |
| materials for highway repairs from | 443 . . | 51 |
| Building— | | |
| erected otherwise than as dwelling-house, not to be used as such | 112 . . | 33 |
| U. A. may regulate line of pulled down may be set back | 47 . . | 155 |
| not to be brought forward | 153 . . | 68 |
| may be brought forward to improve line | 47 . . | 156 |
| dangerous | 152 . . | 66 |
| „ | 155 . . | 75-78 |
| „ | 158 . . | 83 |
| obstructive | 337 . . | 38 |
| new, what to be deemed | 49 . . | 159 |
| new, power of U. A. to make byelaws as to | 47 . . | 157 |
| byelaws under sec. 157 | 517 . . | |
| certain byelaws may be extended to old | 109 . . | 23 |
| new, power of R. A. to make byelaws as to | 109 . . | 23 |
| hoarding during progress of | 113 . . | 34 |
| „ „ | 157 . . | 80 |
| over offensive matter | 111 . . | 25 |
| over sewers or under carriageway | 18 . . | 26 |
| unfit for habitation, power to make byelaws as to | 48 . . | 157 |
| byelaw, under sec. 157 | 546 . . | 76 |
| projection from — may be removed | 153 . . | 69, 70 |
| gutter to be affixed to | 155 . . | 74 |
| materials, deposit of in streets | 157 . . | 81-82 |
| precautions during construction, etc., of | 157 . . | 80 |
| precautions during construction, etc., of | 50 . . | 160 |
| used as place of public resort, ingress to and egress from | 114 . . | 36 |

| | PAGE | SEC. |
|---|---------|----------------------|
| Building— | | |
| factory, means of escape from fire | 115 . . | |
| drainage of (byelaws). | 537 . . | 48-59 |
| alterations to —, power of L. A. to make byelaws as to | 110 . . | 23 |
| byelaws as to alterations | 575 . . | 1-6 |
| which Railway Co. may construct | 504 . . | 16 |
| railway, exempt | 48 . . | 157 |
| getting road materials not to affect | 443 . . | 51 |
| damage to — in digging road materials | 445 . . | 57 |
| encroaching on highway | 447 . . | 69 |
| „ „ disturn-piked road | 474 . . | 51 |
| „ „ | 447 . . | 69 |
| (See also “House,” “Dwelling House,” “New Building.”) | | |
| Building Line (see Building.) | | |
| Burial Ground— | | |
| fencing of | 94 . . | { S. v., Pt. iii. |
| ditto | 169 . . | 15, 16 |
| Burial— | | |
| in churches | 94 . . | { S. v., Pt. iii. |
| board, local board to be | 94 . . | „ |
| board, transfer to U. A. | 95 . . | „ |
| Bushes— | | |
| obstructing highways | 446 . . | 64 |
| Byelaws— | | |
| approval or disapproval of plans, etc., under | 49 . . | 158 |
| removal of work contrary to continuing offence against | 49 . . | 158 |
| authentication of | 57 . . | 182 |
| penalties on breach of | 57 . . | 183 |
| confirmation of | 58 . . | 184 |
| to be printed, etc. | 58 . . | 185 |
| evidence of | 58 . . | 186 |
| inconsistent with P. H. A., 1875 | 86 . . | 315 |
| making of — under P. H. A. Amendt. Act, 1890 | 100 . . | 9 |
| making of — under Housing of the Working Classes Act, 1890 | 358 . . | 84 |
| as to new streets and buildings | 517 . . | |
| footways, privies, cesspools, cleansing of, and removal of house refuse | 579 . . | |
| snow, prevention of nuisances from | 580 . . | |
| buildings, alterations to | 575 . . | |

| | PAGE | SEC. | | PAGE | SEC. |
|--------------------------------|--------------|------|--------------------------------|---------|--------|
| Byelaws (<i>continued</i>)— | | | Cellar— | | |
| list of subjects under which | | | open — to be fenced . . . | 162 . . | 28 |
| byelaws may be made . . . | 582 | | repair of — under streets . . | 113 . . | 35 |
| | | | Cellar Dwellings— | | |
| C | | | prohibition of occupying | | |
| Cabmen's Shelters— | | | new | 30 . . | 71 |
| U. A. may provide | 116 . . | 40 | conditions as to occupation | | |
| regulations and byelaws as | | | of existing | 30 . . | 72 |
| to | 116 . . | 40 | definition of occupying . . | 31 . . | 74 |
| Canal— | | | closing of — on two con- | | |
| saving for authorities . . . | 87 . 327-330 | | victions | 31 . . | 75 |
| alteration of sewers by C. | | | Cemeteries Clauses Act, 1847 . | 168 . . | |
| authorities | 89 . 331-333 | | incorporated with P. H. | | |
| bridges over, damage to by | | | (Interments) Act, 1879 . . . | 167 . . | 3 |
| road loco. | 493 . . | 7 | making of cemeteries . . . | 168 . . | 6-17 |
| Carriages— | | | prevention of nuisances . . | 169 . . | 18, 19 |
| wheels, byelaws as to . . . | 483 . . | 26 | fouling streams, etc. . . . | 170 . . | 20-22 |
| hackney, incorporation of | | | miscellaneous | 170 . . | 23-59 |
| provisions as to | 54 . . | 171 | Cemetery— | | |
| maximum weights on, width | | | L. A. may provide, etc. . . . | 167 . . | 2 |
| of tires | 492 . . | 4 | construction of | 168 . . | 6 |
| weights on, specified by G. | | | not to be disposed of . . . | 168 . . | 9 |
| Turnpikes Act, 1822 . . . | 492 . . | | to be distant from dwell- | | |
| Carriageway— | | | ings | 168 . . | 10 |
| trees, etc., obstructing . . . | 446 . . | 64 | chapels, laying out grounds, | | |
| hedges and trees shading . . | 446 . . | 65 | etc. | 168 . . | 11 |
| encroachment on | 447 . . | 69 | widening of roads to . . . | 168 . . | 12-14 |
| distance of pits, shafts, | | | to be enclosed | 169 . . | 15 |
| engines, etc., from | 448 . . | 70 | to be kept in good order . . | 169 . . | 16 |
| under Local Acts, saving for | 456 . . | 113 | compensation | 169 . . | 17 |
| dedication of | 466 . . | 36 | sewers, drains, etc. . . . | 169 . . | 18 |
| encroachment on | 474 . . | 51 | breaking up streets for | | |
| Cart— | | | laying pipes | 169 . . | 19 |
| wheels, byelaws as to . . . | 483 . . | 26 | fouling water | 170 . . | 20-22 |
| Cartway— | | | burials, etc. | 170 . . | 23-39 |
| trees, etc., obstructing . . . | 446 . . | 64 | monumental inscriptions, | | |
| hedges and trees shading . . | 446 . . | 65 | etc. | 170 . . | 40-51 |
| encroachment on | 447 . . | 69 | payment to incumbents, etc. | 170 . . | 52-57 |
| distance of pits, shafts, | | | protection of | 170 . . | 58-59 |
| engines, etc., from | 448 . . | 70 | Centre of— | | |
| width of | 450 . . | 80 | highway | 446 . . | 63 |
| „ gates across | 451 . . | 81 | turnpike road | 448 . . | 69 |
| under Local Acts, saving | | | Cesspool— | | |
| for | 456 . . | 113 | provision of — to undrained | | |
| encroachment on | 474 . . | 51 | house | 17 . . | 23 |
| Cattle— | | | building house without . . | 18 . . | 25 |
| straying on highway | 472 . . | 25 | to be properly kept | 24 . . | 40 |
| Causeways— | | | examination of — on com- | | |
| prevention of damage to . . | 441 . . | 24 | plaint | 24 . . | 41 |
| riding, etc., on | 449 . . | 72 | cleansing of — by L. A. . . | 25 . . | 42 |
| under Local Act, saving for | 456 . . | 113 | penalty on L. A. neglecting | | |
| Cellar— | | | to cleanse | 26 . . | 43 |
| not to be made under | | | byelaws as to cleansing . . | 579 . . | 8 |
| carriageway | 18 . . | 26 | byelaws as to cleansing, | | |
| stagnant water in | 28 . . | 47 | power of L. A. to make . . | 26 . . | 44 |
| covering to be made and | | | byelaws as to, power of U. A. | | |
| kept in repair | 154 . . | 73 | to make | 48 . . | 157 |
| | | | byelaws as to, power of R. A. | | |
| | | | to make | 110 . . | 23 |

| | PAGE | SEC. | | PAGE | SEC. |
|-------------------------------------|---------|------------|--|--------------|-------|
| Cesspool— | | | Clay Pit— | | |
| byelaws may be extended | | | fencing of | 147 . . | 3 |
| to old buildings | 109 . . | 23 | Cleansing of— | | |
| situation of (byelaws) | 542 . . | 66-68 | sewers | 15 . . | 19 |
| not to overflow | 28 . . | 47 | filthy houses | 27 . . | 46 |
| not to communicate with | | | ditches near boundary of | | |
| sewer (byelaws) | 543 . . | 69 | district | 28 . . | 48 |
| construction of (byelaws) | 545 . . | 75 | streets by L. A. | 25 . . | 42 |
| a nuisance | 31 . . | 91 | earth-closets, privies, etc., | | |
| occupation of room over | 110 . . | 24 | by L. A. | 25 . . | 42 |
| Chalk Pit— | | | penalty on L. A. for default | 26 . . | 43 |
| fencing of | 147 . . | 3 | earth-closets, privies, etc., | | |
| Chapel— | | | power to make byelaws | | |
| exempt from private street | | | as to | 26 . . | 44 |
| expenses | 45 . . | 151 | pavements, power to make | | |
| exempt from private street | | | byelaws as to | 26 . . | 44 |
| expenses | 127 . . | 16 | obstructing removal of | | |
| (See also Public Building.) | | | house refuse, etc. | 25 . . | 42 |
| Charging Order— | | | pavements (byelaws) | 579 . . | 1 |
| under Housing of the Work- | | | earth-closets, privies, etc. | | |
| ing Classes Act, 1890 | 336 . . | 36, 37 | (byelaws) | 579 . . | 2-8 |
| form of | 361 . . | S. v. | common courts and pas- | | |
| Chemical Refuse— | | | sages by U. A. | 111 . . | 27 |
| not to be turned into | | | Clerk— | | |
| sewers | 105 . . | 17 | appointment of, etc. | 59 . 189-192 | |
| L. A. to give notice of pro- | | | of Highway Bd., appoint- | | |
| vision as to | 106 . . | 17 | ment of | 462 . . | 12-15 |
| Chimney— | | | Clocks, Public— | | |
| a nuisance | 32 . . | 91 | U. A. may provide | 52 . . | 165 |
| byelaws as to, power of U. A. | | | U. A. may repair, wind, | | |
| to make | 48 . . | 157 | and light | 118 . . | 46 |
| foundation of (byelaws) | 532 . . | 26 | Closing— | | |
| breast, support of | 532 . . | 27 | polluted wells, cisterns, | | |
| back, thickness of | 532 . . | 30 | etc. | 188 . . | 70 |
| height of | 533 . . | 33, 34 | cellar dwellings | 31 . . | 75 |
| on fire, penalty for | 163 . . | 30, 31 | house unfit for habitation | 35 . . | 97 |
| factory — structure of (bye- | 556 | | buildings unfit for habita- | 334 . . | 32 |
| laws) | | | tion (byelaws) | 546 . . | 76 |
| (See also Flues.) | | | house overcrowded | 38 . . | 109 |
| Church— | | | order (definition) | 333 . . | 29 |
| exempt from private street | | | Coal Holes— | | |
| expenses | 45 . . | 151 | repair of — in streets | 113 . . | 35 |
| exempt from private street | | | Cock, Water— | | |
| expenses | 127 . . | 16 | out of repair | 218 . . | 17 |
| interments within | 94 . . | { S. v., | Collegiate Bodies, saving for | 90 . . | 335 |
| (See also Public Building.) | | { Pt. iii. | Commissioners of Sewers— | | |
| Churchways— | | | sewers belonging to — not | | |
| under Local Acts, saving for | 456 . . | 113 | to vest in L. A. | 13 . . | 13 |
| Cinders— | | | saving for — under P. H. | | |
| not to be thrown into | | | Act, 1875 | 87 . . | 327 |
| streams | 118 . . | 47 | saving for — under High- | | |
| Cistern, Water— | | | way Act, 1835 | 457 . . | 117 |
| public — to vest in L. A. | 186 . . | 64 | Common Courts and Passages— | | |
| power to close polluted | 188 . . | 70 | U. A. may cleanse and | | |
| to be provided | 208 . . | 54-56 | apportion expense | 111 . . | 21 |
| out of repair | 218 . . | 17 | Common Lodging Houses | 31 . . | 70-69 |
| overflow pipe from (bye- | | | Common Rafters— | | |
| laws) | 539 . . | 58 | size of (byelaws) | 568 . . | 7 |

| | PAGE | SEC. | | PAGE | SEC. |
|---|---------|---------|---|---------|------|
| Commons— | | | Contract— | | |
| materials for highway re- | | | with Tramway Co. for pav- | | |
| pairs from | 443 . . | 51 | ing, etc., streets | 422 . . | 29 |
| Communication of Sewers by | | | power to | 55 . . | 173 |
| Agreement | 19 . . | 28 | over £50 to be under seal | 55 . . | 174 |
| Communication Pipes (Water)— | | | what to specify | 55 . . | 174 |
| to be laid by Und. | 205 . . | 44-47 | estimate, etc., of surveyor | | |
| „ inhabitants | 207 . . | 48-53 | as to | 55 . . | 174 |
| „ under superin- | | | of £100 to be advertised | | |
| tendence | 207 . . | 49 | and security taken | 55 . . | 174 |
| bore of | 208 . . | 50 | officers not to | 60 . . | 193 |
| removal of by Und. | 206 . . | 46 | for materials by waywarden | 468 . . | 1 |
| „ „ owner | 208 . . | 51 | „ „ by C. Coun- | 470 . . | 20 |
| purchase of by owner | 207 . . | 47 | cillor | 489 . . | 5 |
| breaking up streets by Und., | | | for highway repairs by | | |
| to lay | 200 . . | 28-34 | Highway Bd. | 471 . . | 22 |
| breaking up streets by | | | Contributory Place— | | |
| owner, etc., to lay | 208 . . | 52 | definition | 66 . . | 229 |
| water supply to | 208 . . | 53 | payment of contribution by | 66 . . | 230 |
| Compensation— | | | Corruption in Office (see Public | | |
| for setting back building | 47 . . | 155 | Bodies Corrupt Practices | | |
| arbitration as to amount | | | Act, 1889). | | |
| of | 56 . . | 179 | Cottage— | | |
| for damage by L. A. | 85 . . | 308 | definition in Housing of the | | |
| to officers for loss of office | 85 . . | 309 | Working Classes Act, | | |
| under Housing of the Work- | | | 1890 | 349 . . | 53 |
| ing Classes Act, 1890 | 330 . . | 21 | County— | | |
| under Housing of the Work- | | | definition | 387 . . | 100 |
| ing Classes Act, 1890 | 343 . . | 41 | financial relations between | | |
| to tenants for removal | 357 . . | 78 | county borough and | 378 . . | 32 |
| by Railway Co. for interfer- | | | ratable value of | 378 . . | 33 |
| ence with gas and water | | | special — power of | 382 . . | 46 |
| mains | 505 . . | 21 | boundary — alteration of | 383 . . | 54 |
| by Railway Co. for inter- | | | County Authority— | | |
| ruption, etc., of roads | 504 . . | 16, 55 | power of — as to defaulting | | |
| for damage by road loco. | 493 . . | 7 | Highway A. | 479 . . | 10 |
| for temporary road | 441 . . | 25 | byclaws by — as to waggon | | |
| Conduct of Business of L. A. | 61 . . | 197-206 | wheels, gates, etc. | 483 . . | 26 |
| Conduits, Public— | | | transfer of powers of — to | | |
| vested in L. A. | 186 . . | 64 | C. C. | 369 . . | 3 |
| Railway Co. may construct | 504 . . | 16 | County Borough— | | |
| Connections, Drain (see Drains). | | | definition | 378 . . | 31 |
| Conservancy— | | | financial relations between | | |
| Acts, saving for | 138 . . | 18 | county and | 378 . . | 32 |
| Lee — to enforce River | | | ratable value of | 378 . . | 33 |
| Pollution Act, 1876 | 136 . . | 9 | powers of | 379 . . | 34 |
| Contract— | | | boundary, alteration of | 383 . . | 54 |
| for disposal of sewage | 19 . . | 27 | County Bridge— | | |
| for communication of sewers | | | definition of street | 8 . . | 4 |
| with adjoining district | 19 . . | 28 | repair of roads over | 43 . . | 148 |
| for supply of dry earth | 23 . . | 37 | „ highways over | | |
| for removal of house refuse, | | | new | 439 . . | 21 |
| scavenging, and watering | 25 . . | 42 | repair of walls, fences, etc., | | |
| for water supply | 180 . . | 51 | of | 439 . . | 21 |
| „ „ | 186 . . | 63 | bridges on disturnpiked | | |
| „ „ to houses | 185 . . | 62 | roads to become | 439 . . | 21 |
| for hospital accommodation | 39 . . | 131 | materials for repair of | 439 . . | 22 |
| for lighting streets | 50 . . | 161 | nuisances as to | 439 . . | 22 |
| by lighting inspectors | 249 . . | 57 | | | |

| | PAGE | SEC. |
|-----------------------------------|------|------|
| County Bridge— | | |
| contract for repair of roads | | |
| over | 471 | 22 |
| County Council— | | |
| establishment of | 369 | 1, 2 |
| R. A. to report, etc., pro- | | |
| ceedings under Housing | | |
| of the Working Classes | | |
| Act, 1890 | 345 | 45 |
| adoption of Part III. of | | |
| Housing of the Working | | |
| Classes Act, 1890 | 349 | 55 |
| powers of | 369 | 3-19 |
| may enforce Rivers Poll. | | |
| Prev. Act, 1876 | 375 | 14 |
| byelaws under Municipal | | |
| Corporations Act, by | 376 | 16 |
| County Borough to have | | |
| powers of | 379 | 34 |
| County District— | | |
| definition | 387 | 100 |
| " | 400 | 21 |
| boundary, alteration of | 383 | 57 |
| Courts— | | |
| cleansing of common | 111 | 27 |
| unhealthy | 322 | 4 |
| hoards, etc., to be set up in | | |
| — during building opera- | | |
| tions | 113 | 34 |
| (See also Streets.) | | |
| Court of Summary Jurisdic- | | |
| tion— | | |
| definition | 9 | 4 |
| Cross Walls (see Walls)— | | |
| what to be deemed (bye- | | |
| laws) | 526 | 11 |
| Crossings, Street— | | |
| U. A. may provide refuges | | |
| to | 116 | 39 |

D

| | | |
|--------------------------------------|-----|-------|
| Dam— | | |
| taking road materials from | | |
| river, etc., not to affect | 443 | 51 |
| damaging — in digging | | |
| road materials | 445 | 57 |
| Damage— | | |
| to pavements, etc. | 43 | 149 |
| to notice boards | 84 | 306 |
| to works or property of | | |
| L. A. | 85 | 307 |
| by L. A., compensation for | 85 | 308 |
| to advertisements, etc. | 119 | 48 |
| to lamps, etc. | 228 | 19-20 |
| recovery of, from Railway | | |
| Co. | 512 | 140 |
| to bridge, building, etc., in | | |
| digging road materials | 445 | 57 |

| | | |
|-----------------------------------|-----|---------|
| Damage— | | |
| to highways, hedges, fences, | | |
| etc. | 449 | 72 |
| Dangerous Building— | | |
| incorporation of provisions | | |
| as to | 50 | 160 |
| to be taken down or repaired | 155 | 75-78 |
| hoarding of — during re- | | |
| pairs, etc. | 157 | 80 |
| near streets, may be re- | | |
| paired or inclosed by | | |
| U. A. | 158 | 83 |
| Dangerous places near | | |
| Streets— | | |
| may be repaired or inclosed | | |
| by U. A. | 158 | 83 |
| gravel-pits, etc. | 147 | 3 |
| Dedication of— | | |
| new highways | 440 | 23 |
| private streets | 45 | 152 |
| " | 117 | 41 |
| " | 127 | 19, 20 |
| highway repairable <i>ratione</i> | | |
| <i>tenuræ</i> | 445 | 62 |
| highway repairable <i>ratione</i> | | |
| <i>tenuræ</i> | 465 | 35 |
| private roadway | 466 | 36 |
| Defaulting Authority— | | |
| as to sewerage and water | | |
| supply | 82 | 299-302 |
| as to nuisances | 37 | 106 |
| complaint by Parish C. as to | 397 | 16 |
| Demands— | | |
| below £50 may be received | | |
| in County Court | 74 | 261 |
| Deposit of Building Materials— | | |
| in streets to be fenced and | | |
| lighted | 157 | 81 |
| in street an unreasonable | | |
| time | 157 | 82 |
| Deposit of Plans, of— | | |
| sewage works without dis- | | |
| trict | 21 | 32 |
| private street works | 44 | 150 |
| " | 123 | 6 |
| lands to be purchased | 56 | 176 |
| new streets and buildings, | | |
| power to make byelaws | | |
| as to | 48 | 157 |
| byelaws under sec. 157 | 547 | 77-84 |
| alterations to buildings | | |
| (byelaws) | 577 | 2-6 |
| Deposit or Accumulation — | | |
| a nuisance | 32 | 91 |
| removal of — on inspector's | | |
| certificate | 29 | 49 |
| sale of — by L. A. | 36 | 101 |
| Direction Posts— | | |
| on highways | 440 | 24 |

| | PAGE | SEC. | | PAGE | SEC. |
|--|---------|----------|-------------------------------------|---------|---------|
| Discontinuance— | | | Ditches— | | |
| of unnecessary highway | 470 . . | 21 | obstructing — of disturn- | | |
| " " | 482 . . | 24 | piked roads | 447 . . | 69 |
| Disinfecting Sewage | 19 . . | 27-29 | Diverting Highways | 452 . . | 84-93 |
| <i>(See also Sewage.)</i> | | | <i>(See also Stopping up High-</i> | | |
| Disposal of Sewage. | 19 . . | 27-31 | ways.) | | |
| <i>(See also Sewage.)</i> | | | Dock Authorities— | | |
| Disputes as to Boundaries | 77 . . | 278 | saving for | 87 . . | 327 |
| District— | | | Domestic Building— | | |
| constitution of | 10 . . | 5 | definition (byelaws) | 522 . . | |
| urban | 10 . . | 6 | Domestic Purposes (Water | | |
| rural | 11 . . | 9 | Supply)— | | |
| fund | 62 . . | 207-208 | definition | 217 . . | 12 |
| rate | 62 . . | 210, 211 | Doors— | | |
| special drainage | 66 . . | 229 | future — to open out- | | |
| alteration of | 76 . . | 270 | wards | 154 . . | 71 |
| formation of Local Govern- | | | existing — opening out- | | |
| ment | 76 . . | 271, 272 | wards may be altered | 154 . . | 72 |
| boundaries, disputes as | | | cellar — to be made, etc., | | |
| to | 77 . . | 278 | by occupier | 154 . . | 73 |
| formation of united | 77 . . | 279-284 | Drain— | | |
| execution of work in ad- | | | definition | 8 . . | 4 |
| joining | 78 . . | 285 | joint drain (definition) | 107 . . | 19 |
| union of — for appointment | | | connection of house within | | |
| of Medical Officer | 79 . . | 286 | district | 16 . . | 21 |
| union of — for Port Sani- | | | connection of house without | | |
| tary Authority | 79 . . | 287 | district | 16 . . | 22 |
| saving for existing | 87 . . | 326 | L. A. may agree to make — | | |
| District Council— | | | for owner | 106 . . | 18 |
| definition | 387 . . | 100 | connection, to be made by | | |
| " | 400 . . | 21 | L. A. when requested | 106 . . | 18 |
| chairman to be a J.P. | 400 . . | 22 | house to be provided with | 17 . . | 23 |
| to protect rights of way, | | | penalty for building house | | |
| etc. | 402 . . | 26 | without | 18 . . | 25 |
| transfer of certain powers | | | cellar dwelling to be pro- | | |
| of justices to | 403 . . | 27 | vided with | 30 . . | 72 |
| accounts of | 407 . . | 58 | L. A. may reconnect — | | |
| District Surveyor— | | | with new sewers | 18 . . | 24 |
| of highway district | 438 . . | 13-17 | to be properly kept | 24 . . | 40 |
| neglect of duty by | 439 . . | 20 | cleansing — supply of water | | |
| of Highway Bd. | 462 . . | 12-16 | for | 203 . . | 37 |
| Disturnpiked Roads— | | | examination, etc., of — on | | |
| bridges on — repair of | 439 . . | 21 | complaint | 24 . . | 41 |
| encroachments on | 447 . . | 69 | examination, etc., of joint | | |
| obstructing ditch of | 447 . . | 69 | — on complaint | 107 . . | 19 |
| injuring surface of | 448 . . | 69 | a nuisance | 31 . . | 91 |
| to become main roads | 479 . . | 13 | chemical refuse, steam, etc., | | |
| minerals under, saving for | 483 . . | 27 | in — causing a N. | 105 . . | 17 |
| Ditches— | | | interference with flow of | | |
| offensive — near boundaries | 28 . . | 48 | — by putting injurious | | |
| " power of Parish | | | matters in | 105 . . | 16 |
| C. as to | 394 . . | 8 | injury to — by putting in- | | |
| a nuisance | 31 . . | 91 | jurious matters in | 105 . . | 16 |
| diversion of, etc., by Rail- | | | entry on lands to ascertain | | |
| way Co. | 504 . . | 16 | course of | 84 . . | 305 |
| surveyor may make, | | | alteration of — by river, | | |
| cleanse, etc. | 447 . . | 67 | canal, etc., authorities | 89 . . | 331-333 |
| encroaching on highway | 447 . . | 69 | interference with — in | | |
| " " " | 474 . . | 51 | laying water-pipes | 200 . . | 28-34 |

| | PAGE | SEC. |
|--|---------|--------|
| rain— | | |
| interference with — in lay- ing water-pipes by owner, etc. | 208 . . | 52 |
| interference with — in lay- ing gas-pipes | 224 . . | 6-12 |
| interference with — in lay- ing tramway | 424 . . | 31 |
| interference with — in lay- ing electric lines | 260 . . | 12 |
| to be of glazed stoneware (byelaws) | 537 . . | 50 |
| size of (byelaws) | 537 . . | 50 |
| to be laid in concrete, and watertight (byelaws) | 537 . . | 50 |
| not to pass under building (byelaws) | 537 . . | 51 |
| under building to be in concrete, and ventilated (byelaws) | 538 . . | 51 |
| inlet to be trapped (bye- laws) | 538 . . | 52 |
| junctions (byelaws) | 538 . . | 54 |
| disconnecting trap for (bye- laws) | 538 . . | 53 |
| ventilation of (byelaws) | 538 . . | 55 |
| inlet (byelaws) | 539 . . | 56 |
| privy, ash-pit, and cesspool not to communicate with (byelaws) | 543 . . | 69 |
| construction of by Railway Co. | 504 . . | 16 |
| Surveyor may make, cleanse, etc. (Highways) | 447 . . | 67 |
| offensive, power of Parish C. as to | 394 . . | 8 |
| rainage— | | |
| U. A. may provide map of | 16 . . | 20 |
| map of—in mining districts to be provided. | 143 . . | 19 |
| of Railway Co.'s lands | 504 . . | 16 |
| rainage of Buildings— | | |
| byelaws as to, power of U. A. to make | 48 . . | 157 |
| byelaws as to, power of R. A. to make | 110 . . | 23 |
| byelaws under sec. 157 | 537 . . | 48-59 |
| byelaws as to — may be extended to old build- ings | 109 . . | 23 |
| raftway— | | |
| dedication of | 466 . . | 36 |
| raichy of Lancaster— | | |
| sale of lands by | 56 . . | 178 |
| rang— | | |
| removal of | 29 . . | 49, 50 |
| nuisance | 32 . . | 91 |
| encroaching on highway | 474 . . | 51 |

| | PAGE | SEC. |
|--|---------|-------|
| Dust— | | |
| receptacles may be provided by U. A. | 27 . . | 45 |
| (See also "House Refuse," "Removal of.") | | |
| Dwellings for the Working Classes— | | |
| provision for — in improve- ment scheme | 325 . . | 11 |
| condition to be implied on letting | 356 . . | 75 |
| erection of — on site of de- molished building | 340 . . | 39 |
| (See also "Lodging-houses for the Working Classes.") | | |
| Dwelling House— | | |
| definition in Housing of the Working Classes Act, 1890 | 333 . . | 29 |
| definition (byelaws) | 522 . . | |
| unfit for human habitation | 333 . . | 30-37 |
| building described in de- posited plan otherwise than as — not to be used as such | 112 . . | 33 |
| without water supply | 185 . . | 62 |
| water supply to — R. A. to require | 191 . . | 3-5 |
| new — in R. District to be provided with water supply | 194 . . | 6 |
| water supply to — by stand- pipe in R. Districts | 195 . . | 9 |
| yard of new — to be paved (byelaws) | 565 . . | 2 |
| unhealthy — Housing of the Working Classes Act, 1890 | 333 . . | 29-52 |
| Dwelling House unfit for Habitation— | | |
| representation of medical officer | 333 . . | 30 |
| representation by house- holders | 333 . . | 31 |
| appeal by householders to L. G. B. | 334 . . | 31 |
| procedure as to | 334 . . | 32 |
| closing order | 334 . . | 32 |
| order for demolition of | 335 . . | 33 |
| demolition of | 336 . . | 34 |
| site of | 386 . . | 34 |
| appeal against order of L. A. | 336 . . | 35 |
| charging order to owner on scheme for reconstruction of | 340 . . | 39-43 |
| annual account to L. G. B. | 345 . . | 44 |
| R. A. to report to County C. proceedings as to | 345 . . | 45 |

| | PAGE | SEC. |
|---|---------|--------|
| Dwelling House unfit for Habitation (<i>continued</i>)— | | |
| provision as to superior landlord of | 346 . . | 47 |
| remedies of owner of | 347 . . | 48 |
| service of notices on owner of | 347 . . | 49, 50 |
| penalty for preventing execution of Act as to | 347 . . | 51 |

E

| | | |
|---|---------|--------|
| Earth-closet— | | |
| definition | 23 . . | 37 |
| provision of — to new houses | 22 . . | 35 |
| provision of — to existing houses | 22 . . | 36 |
| provision of — to factories | 23 . . | 38 |
| ” ” ” | 108 . . | 22 |
| used in common | 22 . . | 36 |
| ” ” penalty for fouling | 108 . . | 21 |
| used in common, a nuisance, etc. | 108 . . | 21 |
| may be provided in lieu of W.C. | 23 . . | 37 |
| L. A. may supply dry earth for | 23 . . | 37 |
| U. A. may provide public | 23 . . | 39 |
| to be properly kept | 24 . . | 40 |
| examination, etc., of — on complaint | 24 . . | 41 |
| cleansing — L. A. to provide for | 25 . . | 42, 43 |
| power of L. A. to make byelaws as to cleansing | 26 . . | 44 |
| byelaws under sec. 44 | 579 . . | 6-7 |
| byelaws, power of U. A. to make | 48 . . | 157 |
| byelaws, power of R. A. to make | 110 . . | 23 |
| byelaws as to — may be extended to old building | 109 . . | 23 |
| situation of (byelaws) | 540 . . | 60 |
| ventilation of ” | 540 . . | 60 |
| construction of ” | 541 . . | 62 |
| Egress and Ingress— | | |
| to places of public resort | 114 . . | 36 |
| factories | 115 . . | |
| Electric Lighting Acts, 1882—1888 | | |
| application of Act | 255 . . | 2 |
| license | 255 . . | 3 |
| provisional order | 257 . . | 4 |
| draft provisional order | 280 . . | |
| Bd. of T. rules as to application | 258 . . | 5 |
| Bd. of T. rules under sec. 5 | 272 . . | |

| | PAGE | SEC. |
|--|---------|-------|
| Electric Lighting Acts, 1882—1888— | | |
| regulations to be inserted in licenses, etc. | 258 . . | 6 |
| expenses of L. A. | 259 . . | 7 |
| borrowing powers | 259 . . | 8 |
| accounts | 259 . . | 9 |
| general powers | 259 . . | 10 |
| contract, power of L. A. to incorporate of provisions of Lands Clauses Acts, and Gasworks Clauses Acts | 259 . . | 11 |
| private streets, etc., restriction on breaking up | 260 . . | 12 |
| restriction as to above-ground works | 261 . . | 13 |
| pipes and wires, alteration to | 261 . . | 14 |
| canals, etc., saving for | 261 . . | 15 |
| compensation for damage | 262 . . | 16 |
| form of lamp, etc., not to be prescribed | 262 . . | 17 |
| obligation to supply electricity | 262 . . | 18 |
| charges for electricity | 263 . . | 19 |
| recovery of charges | 263 . . | 20 |
| injuring works | 263 . . | 21 |
| stealing electricity | 263 . . | 22 |
| entry on premises to ascertain consumption, etc. | 263 . . | 23 |
| distress, Und. electric lines not subject to | 264 . . | 24 |
| postmaster-general, protection of | 264 . . | 25 |
| postmaster-general, saving for | 264 . . | 26 |
| purchase of Und. by L. A. | 268 . . | 35 |
| arbitration | 266 . . | 2 |
| Bd. of T. may relieve Gas Co. | 267 . . | 28 |
| annual report by Bd. of T. | 267 . . | 29 |
| definitions | 268 . . | 30 |
| mines, saving for | 268 . . | 31-32 |
| general acts, provision as to | 268 . . | 33 |
| lines of non-undertakers | 268 . . | 34 |
| Embankments— | | |
| power of Railway Co. to construct | 269 . . | 4 |
| Enclosed Lands— | | |
| materials from — for highway repairs | 504 . . | 16 |
| definition | 443 . . | 53-54 |
| Encroaching on Highways— | | |
| building, hedge, ditch, etc. | 459 . . | |
| ” ” ” | 447 . . | 60 |
| trees and hedges | 474 . . | 51 |
| District C. to prevent | 446 . . | 64-66 |
| | 402 . . | 26 |

| | PAGE | SEC. |
|--------------------------------------|---------|-------|
| encroaching on Highways— | | |
| representation of Parish C. | | |
| as to | 402 . . | 26 |
| engines— | | |
| distance from highway of | 448 . . | 70 |
| entry, power of— | | |
| to abate nuisance | 36 . . | 102 |
| by police | 36 . . | 106 |
| on lands for surveying, etc. | 84 . . | 305 |
| „ to ascertain course | | |
| of sewers, etc. | 84 . . | 305 |
| as to water supply in R. | | |
| Districts | 195 . . | 7 |
| to examine as to discharge | | |
| of chemical refuse, steam, | | |
| etc., into sewers | 105 . . | 17 |
| to examine as to means of | | |
| ingress to and egress | | |
| from public buildings | 114 . . | 36 |
| for inspection of lodgings | | |
| for the working classes | 355 . . | 70 |
| to survey, etc., under Hous- | | |
| ing of the Working | | |
| Classes Act, 1890 | 357 . . | 77 |
| to examine as to waste or | | |
| misuse of water | 209 . . | 57 |
| to ascertain consumption of | | |
| gas | 218 . . | 15 |
| to inspect gas-meters, fit- | | |
| tings, etc. | 239 . . | 21 |
| to inspect new streets and | | |
| buildings (byelaws) | 549 . . | 83 |
| to inspect alterations to | | |
| buildings (byelaws) | 577 . . | 5 |
| (See also Examination.) | | |
| estimate— | | |
| of private street works | 44 . . | 150 |
| „ „ | 123 . . | 6 |
| before contracting | 55 . . | 174 |
| before making rates | 64 . . | 218 |
| of highway repairs | 463 . . | 17 |
| expenditure of C. C. | 385 . . | 74 |
| examination of— | | |
| drains, etc., on complaint | 24 . . | 41 |
| nuisance | 36 . . | 102 |
| works of L. A., entry for | 84 . . | 305 |
| discharge of chemicals, etc., | | |
| into sewers | 105 . . | 17 |
| waste and misuse of | | |
| water | 209 . . | 57 |
| water-meters | 184 . . | 58 |
| gas-meters | 238 . . | 17-19 |
| tents, vans, etc. | 314 . . | 9 |
| gas-pipes as to fouling of | | |
| water | 211 . . | 65-67 |
| Excessive Weight on High- | | |
| ways | 481 . . | 23 |
| Exhibition Room (see Public | | |
| Building). | | |

Expenses—

| | PAGE | SEC. |
|-------------------------------|---------|----------|
| of U. A. | 62 . . | 207, 208 |
| of R. A. | 65 . . | 229-231 |
| of District C. | 403 . . | 28, 29 |
| private improvement | 63 . . | 213-215 |
| „ „ of R. A. | 67 . . | 232 |
| recovery of | 73 . . | 257 |
| apportionment of — when | | |
| conclusive | 73 . . | 257 |
| special | 65 . . | 229, 230 |
| of Joint Board | 78 . . | 283, 284 |
| of Port Sanitary Authority | | |
| under P. H. A. Amendt. | 80 . . | 290 |
| Act, 1890 | 99 . . | 4 |
| of R. A. may be declared | | |
| special expenses | 119 . . | 49 |
| of tramway | 419 . . | 20 |
| of Highway Bd. | 472 . . | 32-35 |
| „ appeal | | |
| against | 472 . . | 37-44 |
| of Highway Bd. | 478 . . | 7 |

External Wall (*see* Walls).

| | | |
|--------------------------|---------|----|
| Extraordinary Traffic on | | |
| Highways | 481 . . | 23 |

Evidence—

| | | |
|----------------------|--------|-----|
| of byelaws | 58 . . | 186 |
| of rates | 65 . . | 223 |

F

Factory—

| | | |
|--------------------------------------|---------|----|
| definition of house | 8 . . | 4 |
| privy, etc., accommodation | | |
| for | 23 . . | 38 |
| privy, etc., accommodation | | |
| for | 108 . . | 22 |
| not clean or not ventilated, | | |
| a nuisance | 32 . . | 91 |
| black smoke from — a | | |
| nuisance | 32 . . | 91 |
| chimneys, structure of (bye- | | |
| laws) | 556 . . | |
| solid matters from — in | | |
| stream | 131 . . | 2 |
| polluted liquid from — in | | |
| streams | 133 . . | 4 |
| facilities for drainage of | 135 . . | 7 |
| operatives, protection from | | |
| fire of | 115 . . | |
| fire-plug to be placed | | |
| near | 204 . . | 41 |

Fence—

| | | |
|----------------------------------|---------|----|
| encroaching on highway | 447 . . | 69 |
| „ „ | 474 . . | 51 |
| „ disturnpiked | | |
| road | 447 . . | 69 |
| damaging — of highway | 449 . . | 72 |

| | PAGE | SEC. | | PAGE | SEC. |
|---------------------------------------|---------|-------|--|---------|--------|
| Fencing— | | | Floors— | | |
| quarries, etc. | 147 . . | 3 | power to make byelaws as to | 109 . . | 23 |
| gravel pits, etc. | 444 . . | 55 | structure of (byelaws) | 567 . . | 5 |
| buildings, etc., during con- | | | size of timbers for . . . | 569 . . | 9-17 |
| struction, etc. | 113 . . | 34 | joists of domestic buildings, | | |
| buildings, etc., during con- | | | size of (byelaws) . . . | 570 . . | 10-11 |
| struction, etc. | 157 . . | 80 | beams of domestic build- | | |
| to be lighted where neces- | | | ings, size of (byelaws) . . | 571 . . | 12 |
| sary | 113 . . | 34 | joists of warehouse build- | | |
| to be lighted where neces- | | | ings, size of (byelaws) . . | 571 . . | 13-14 |
| sary | 157 . . | 80 | beams of warehouse build- | | |
| deposits of building mate- | | | ings, size of (byelaws) . . | 572 . . | 15 |
| rials | 157 . . | 81 | joists and beams of public | | |
| dangerous buildings, or | | | buildings, size of (bye- | | |
| places near streets . . . | 158 . . | 83 | laws) | 573 . . | 16 |
| dangerous building . . . | 155 . . | 75 | Flues— | | |
| open cellar, area, pit, sewer, | | | thickness of brickwork for | | |
| etc. | 162 . . | 28 | (byelaws) | 532 . . | 28 |
| road broken up for tramway | 421 . . | 27 | furnace, etc., — thickness of | | |
| railway boundary . . . | 511 . . | 68 | brickwork for (byelaws) . | 532 . . | 29 |
| to railway bridge and ap- | | | at less angle than 45° (bye- | | |
| proaches | 508 . . | 50 | laws) | 533 . . | 31 |
| highway, liability incurred | | | carried on arch (byelaws) . | 533 . . | 32 |
| by | 467 . . | 46 | to be pargeted (byelaws) . | 533 . . | 35 |
| highway | 486 . . | 6 | outside of — to be rendered | | |
| Filth— | | | in certain cases (byelaws) | 533 . . | 36-37 |
| removal of | 29 . . | 49 | metal holdfasts and timber | | |
| pollution of stream by (<i>see</i> | | | near (byelaws) | 534 . . | 38-39 |
| Pollution). | | | ventilating valves, etc., in | | |
| Fire Engine, etc. | | | (byelaws) | 534 . . | 40 |
| to vest in U. A. | 51 . . | 163 | Flushing (<i>see</i> Water-closet and | | |
| may be provided by U. A. . | 163 . . | 32 | Sewers). | | |
| may go beyond district . . | 163 . . | 33 | Footpath— | | |
| in rural districts | 247 . . | 44 | street, definition of . . . | 8 . . | 4 |
| transfer of — to Parish C. . | 392 . . | 6 | public — forming part of | | |
| Fireplace— | | | private street | 45 . . | 150 |
| cellar dwellings to have . . | 30 . . | 72 | coverings for cellar doors . | 154 . . | 73 |
| a nuisance | 32 . . | 91 | water from roof not to flow | | |
| Fire-plugs— | | | over | 155 . . | 74 |
| U. A. to provide | 187 . . | 66 | repair by Parish C. of . . | 397 . . | 13 |
| situation of — to be marked | 187 . . | 66 | Footway— | | |
| Water Company to provide | 204 . . | 38-43 | street, definition of . . . | 8 . . | 4 |
| water to be constantly laid | | | byelaws as to cleansing, | | |
| on to | 205 . . | 42 | power of L. A. to make . . | 26 . . | 44 |
| to be placed near factory . | 204 . . | 41 | byelaws under sec. 44 . . . | 579 . . | |
| Fires— | | | obstructing | 449 . . | 72 |
| incorporation of provisions | | | „ by goods | 161 . . | 28 |
| as to | 54 . . | 171 | „ „ awnings, etc. . . . | 161 . . | 28 |
| supply of water for ex- | | | „ „ projections | | |
| tinguishing | 187 . . | 66 | from houses | 153 . . | 69, 70 |
| supply of water for ex- | | | obstructing by doors open- | | |
| tinguishing | 205 . . | 42 | ing outwards | 154 . . | 71, 72 |
| chimney — penalty for . . | 163 . . | 30-31 | slides on | 161 . . | 28 |
| factories, means of escape | | | obstruction on | 161 . . | 28 |
| from | 115 . . | | deposit of materials on . . | 161 . . | 28 |
| Fire Station— | | | level crossings over rail- | | |
| U. A. may provide | 163 . . | 32 | way | 506 . . | 46, 61 |
| in rural districts | 247 . . | 44 | width of | 450 . . | 80 |
| Flap (<i>see</i> Cellar Flap). | | | under Local Act, saving for | 456 . . | 113 |

| | PAGE | SEC. |
|---|---------|--------|
| Ord— | | |
| getting road materials not to affect | 443 . . | 51 |
| damaging — in digging road materials. | 445 . . | 57 |
| Orms of— | | |
| notice requiring abatement of N. | 93 . . | S. iv. |
| summons | 93 . . | " |
| order for abatement of N. | 93 . . | " |
| by "L. A." " " | 93 . . | " |
| Order for execution of works by owner | 93 . . | " |
| order for admission of L. A. | 93 . . | " |
| private street, notice requiring paving, etc., of | 93 . . | " |
| water supply, notice to provide in R. districts | 196 . . | 11 |
| water supply, second notice to provide in R. districts. | 196 . . | 11 |
| notice as to premises unfit for habitation | 361 . . | S. iv. |
| summons for closing order | 361 . . | " |
| closing order | 361 . . | " |
| charging order | 361 . . | S. v. |
| oulung Water (<i>see</i> Pollution). | | |
| oundations— | | |
| byelaws as to power of U. A. to make | 48 . . | 157 |
| byelaws as to power of R. A. to make | 109 . . | 23 |
| byelaws under sec. 157 | 524 . . | 4 |
| on ground filled up with offensive matter | 111 . . | 25 |
| ruit Pickers— | | |
| power of L. A. to make byelaws as to | 86 . . | 314 |
| nd, District | 62 . . | 207 |
| urnace— | | |
| a nuisance | 32 . . | 91 |
| distance from highway of | 448 . . | 70 |

G

| | | |
|---|---------|-------|
| Gas— | | |
| pipes, alteration of | 46 . . | 153 |
| provisional order for supply of | 51 . . | 161 |
| U. A. may contract for supply of | 50 . . | 161 |
| purchase of undertaking by U. A. | 51 . . | 162 |
| supply to lodgings for the working classes | 355 . . | 69 |
| fouling water by (<i>see also</i> Pollution) | 187 . . | 68 |
| fouling water by | 211 . . | 62-67 |
| " " | 228 . . | 21-29 |

Gas—

| | | |
|--|---------|--------|
| lighting streets by | 227 . . | 13 |
| interruption of supply, by Railway Co. | 506 . . | 23 |
| may be cut off | 227 . . | 17 |
| fraudulently using | 227 . . | 18 |
| manufacture of | 234 . . | 5 |
| nuisance from | 235 . . | 9 |
| " " | 229 . . | 29 |
| " " | 249 . . | 54 |
| escape of | 228 . . | 24 |
| " in rural districts | 248 . . | 48 |
| supply of — to owners, etc. | 235 . . | 11 |
| quality of | 236 . . | 12 |
| illuminating power of | 236 . . | 12 |
| apparatus for testing | 236 . . | |
| mode of testing | 237 . . | |
| testing place | 240 . . | 28 |
| " " access to | 241 . . | 34 |
| examiner, appointment of | 240 . . | 29, 30 |
| " report of | 241 . . | 33 |
| testing | 241 . . | 31, 32 |
| reeovery of eharges for | 239 . . | 23 |
| to public lamps | 239 . . | 24-27 |
| accounts to be forwarded to L. A. | 241 . . | 35 |
| rents, reeovery of | 234 . . | 39-41 |
| Gas-pipes— | | |
| alteration of — for U. A. | 46 . . | 153 |
| " " by Railway Co. | 505 . . | 18-23 |
| breaking up streets for laying | 224 . . | 6-12 |
| alteration — by tramway | 422 . . | 30 |
| laying of — interfering with tramway | 424 . . | 32 |
| laying of — as to water-pipes | 249 . . | 51 |
| examination of — as to fouling water | 211 . . | 65-67 |
| damage to | 228 . . | 19, 20 |
| alteration of — for electric wires | 261 . . | 15 |
| alteration of | 248 . . | 47 |
| laying on private premises | 248 . . | 46 |
| Gas Washings— | | |
| fouling water by | 187 . . | 68 |
| laying pipes for carrying off | 248 . . | 49 |
| Gasworks— | | |
| erection of | 234 . . | 5 |
| nuisance from | 235 . . | 9 |
| " " | 229 . . | 29 |
| Gas and Water Facilities Act, 1870— | | |
| provisional order for gas supply under | 51 . . | 161 |
| Gasworks Clauses Act, 1847— | | |
| breaking up streets | 224 . . | 6-12 |
| supply of gas | 227 . . | 13-17 |

| | PAGE | SEC. |
|--|---------|--------|
| Highways— | | |
| getting road materials not to affect | 443 . . | 51 |
| heap of stones on — at night | 444 . . | 56 |
| damaging — in digging road materials. | 445 . . | 57 |
| in two parishes, repair of | 445 . . | 58-61 |
| repairable <i>ratione tenuræ</i> , dedication of | 445 . . | 62 |
| repairable <i>ratione tenuræ</i> , dedication of | 445 . . | 35 |
| centre of — definition | 446 . . | 63 |
| trees, etc., obstructing | 446 . . | 64 |
| hedges and trees shading | 446 . . | 65, 66 |
| ditches, gutters, drains, etc. | 447 . . | 67, 68 |
| building, hedge, etc., encroaching on | 447 . . | 69 |
| building, hedge, etc., encroaching on | 474 . . | 51 |
| distance of pits, shafts, engines, etc., from | 448 . . | 70 |
| nuisances on | 449 . . | 72, 73 |
| riding, etc., on footway | 449 . . | 72 |
| damaging — or hedges, etc. | 449 . . | 72 |
| timber, stone, hay, etc., on | 449 . . | 72, 73 |
| waggons, etc., on | 450 . . | 76-79 |
| width of certain | 450 . . | 80 |
| width of gateways across | 451 . . | 81 |
| widening of | 451 . . | 82, 83 |
| improvement of — by Highway Bd. | 473 . . | 47-49 |
| improvement of —, purchase of lands for | 474 . . | 53 |
| improvement of | 488 . . | 3 |
| stopping up and diverting | 452 . . | 84-93 |
| level crossing | 458 . . | 1 |
| repairs, estimate of | 463 . . | 17 |
| out of repair | 455 . . | 94-96 |
| „ „ in highway district | 464 . . | 18, 19 |
| out of repair, repairable <i>ratione tenuræ</i> | 465 . . | 34 |
| out of repair, repairable <i>ratione tenuræ</i> | 401 . . | 25 |
| unnecessary —, discontinuance of | 470 . . | 21 |
| unnecessary —, discontinuance of | 482 . . | 24 |
| unnecessary —, discontinuance of | 396 . . | 13 |
| contract for repair of | 471 . . | 22 |
| „ „ maintenance of | 474 . . | 52 |
| cattle straying on | 472 . . | 25 |
| removal of soil or turf at side of | 474 . . | 51 |
| may become main roads | 479 . . | 15 |
| main road may become | 480 . . | 16 |

| | PAGE | SEC. |
|---|---------|---------|
| Highways— | | |
| extraordinary traffic on | 481 . . | 23 |
| waggon wheels on —, byelaws as to | 483 . . | 26 |
| gates on —, byelaws as to | 483 . . | 26 |
| minerals under — saving for | 483 . . | 27 |
| mile-stones on | 486 . . | 6 |
| fencing of | 486 . . | 6 |
| maintenance of — C. C. may contribute | 374 . . | 11 |
| freeing from tolls of | 488 . . | 3 |
| failure of District C. to repair | 397 . . | 16 |
| (See also Streets.) | | |
| Highway Act, 1835— | | |
| appointment of surveyor | 438 . . | 6-12 |
| formation of parishes into districts | 438 . . | 13-17 |
| board for repair of highways | 438 . . | 18, 19 |
| neglect of duty by surveyor | 439 . . | 20 |
| dedication of new highways | 439 . . | 21 |
| county bridges | 439 . . | 22 |
| dedication of new highways | 440 . . | 23 |
| direction-posts, etc. | 440 . . | 24 |
| temporary road during repairs, etc. | 441 . . | 25 |
| removal of snow, etc. | 441 . . | 26 |
| rates, accounts, etc. | 442 . . | 27-45 |
| cartage of materials by ratepayers | 442 . . | 35 |
| materials for highway repairs | 442 . . | 46-57 |
| repair of certain highways | 445 . . | 58-62 |
| hedges, trees, ditches, etc. | 446 . . | 63-68 |
| obstructions and nuisances | 447 . . | 69-79 |
| width of cartways, gateways, etc. | 450 . . | 80, 81 |
| widening, stopping up, and diverting highways | 451 . . | 82-93 |
| highways out of repair | 455 . . | 94-96 |
| legal proceedings | 456 . . | 97-111 |
| saving, etc. | 456 . . | 112-120 |
| Highway Amendt. Act, 1839— | | |
| level crossings | 458 . . | |
| Highway Amendt. Act, 1841— | | |
| definition of enclosed lands | 459 . . | |
| Highway Amendt. Act, 1845— | | |
| sale of waste lands | 460 . . | |
| Highway Act, 1862— | | |
| highway districts | 462 . . | 5-8 |
| Highway Boards | 462 . . | 9-11 |
| officers of Highway Bd. | 462 . . | 12-16 |
| duty of Highway Bd. | 463 . . | 17 |
| highway out of repair | 464 . . | 18, 19 |
| expenses and accounts | 465 . . | 20-31 |
| supplemental provisions | 465 . . | 32-41 |

| | PAGE | SEC. |
|---|---------|--------|
| Highway Act, 1862 (<i>continued</i>)— | | |
| application of Highway | | |
| Act, 1835 | 466 . | 42-47 |
| Highway Act, 1863— | | |
| contracting by waywardens | 468 . . | |
| Highway Act, 1864— | | |
| contracting by waywardens | 470 . . | 20 |
| unnecessary highways | 470 . . | 21 |
| contract for repairs, etc. | 471 . . | 22 |
| cattle straying on high- | | |
| ways | 472 . . | 25 |
| expenses and accounts | 472 . | 32-44 |
| improvements | 473 . | 47-49 |
| encroachments | 474 . . | 51 |
| contract for materials, and | | |
| maintenance | 474 . . | 52 |
| purchase of lands | 474 . . | 53 |
| Highway and Locomotives | | |
| (<i>Amendt.</i>) Act, 1878— | | |
| expenses and borrowing | 478 . . | 7, 8 |
| audit of accounts | 478 . . | 9 |
| defaulting Highway A. | 479 . . | 10 |
| main roads | 479 . | 13-20 |
| bridges | 480 . | 21, 22 |
| extraordinary traffic | 481 . . | 23 |
| unnecessary highways | 482 . . | 24 |
| byelaws, as to wheels of | | |
| waggons, gates, etc. | 483 . . | 26 |
| saving for minerals under | | |
| roads | 483 . . | 27 |
| recovery of penalties | 485 . . | 36 |
| definitions | 485 . . | 38 |
| (<i>See also Locomotive Acts.</i>) | | |
| Highway Act <i>Amendt.</i> Act, | | |
| 1885— | | |
| pruning hedges, etc. | 487 . . | 2 |
| Highway and Bridges Act, | | |
| 1891— | | |
| road and bridge improve- | | |
| ments | 488 . . | 3 |
| contract for materials not | | |
| to disqualify C. C. | 489 . . | 5 |
| Highway Areas— | | |
| definition | 387 . . | 100 |
| description of | 479 . . | 14 |
| Highway Authority— | | |
| definition | 485 . . | 38 |
| " | 387 . . | 100 |
| defaulting | 479 . . | 10 |
| transfer of powers of — to | | |
| R. District C. | 401 . . | 25 |
| Highway Boards— | | |
| definition | 462 . . | 4 |
| constitution of | 462 . . | 9-11 |
| power to acquire lands | 462 . . | 9 |
| power of highway surveyor | | |
| to vest in | 462 . . | 11 |
| to maintain highways in | | |
| good repair | 463 . . | 17 |

| | PAGE | SEC. |
|---------------------------------------|--------------|------|
| Highway Boards— | | |
| expenses of | 478 . . | 7 |
| borrowing by | 478 . . | 8 |
| transfer of powers of — to | | |
| R. District C. | 401 . . | 25 |
| Highway District— | | |
| definition | 462 . . | 4 |
| formation of | 462 . . | 5-8 |
| audit of accounts of | 478 . . | 9 |
| Highway Rates | 63, 216, 217 | |
| (<i>See also Rates.</i>) | | |
| Highway Rate Assessment | | |
| and Expenditure Act, 1882— | | |
| erection of mile-stones and | | |
| fencing of highways | 486 . . | 6 |
| Highway Repairs (<i>see Repair</i> | | |
| of Highways). | | |
| Highway Surveyor (<i>see Sur-</i> | | |
| veyor). | | |
| Hoarding— | | |
| dangerous building | 155 . . | 75 |
| during repairs, etc., to | | |
| buildings | 157 . . | 80 |
| during repairs, etc., to | | |
| buildings | 113 . . | 34 |
| to be lighted where neces- | | |
| sary | 157 . . | 80 |
| to be lighted where neces- | | |
| sary | 113 . . | 34 |
| deposits of building ma- | | |
| terials | 157 . . | 81 |
| Hole— | | |
| in street to be fenced and | | |
| lighted | 157 . . | 81 |
| remaining open an unneces- | | |
| sary time | 157 . . | 82 |
| near streets may be enclosed | | |
| by U. A. | 158 . . | 83 |
| for getting stone, chalk, | | |
| gravel, etc., to be fenced | 147 . . | 3 |
| Hop Pickers— | | |
| power of L. A. to make | | |
| byelaws as to | 86 . . | 314 |
| Horses, etc.— | | |
| power of U. A. to make | | |
| byelaws as to | 54 . . | 172 |
| Horseway— | | |
| width of | 450 . . | 80 |
| " gateways across | 451 . . | 81 |
| under local act, saving for | 456 . . | 113 |
| Hospital— | | |
| L. A. may provide | 39 . . | 131 |
| for infectious diseases | | |
| exempt from Byelaws | 521 . . | |
| authorities may combine for | 39 . . | 131 |
| House— | | |
| definition | 8 . . | 4 |
| existing — without suffi- | | |
| cient drain | 17 . . | 23 |

| | PAGE | SEC. |
|--|---------|--------|
| House— | | |
| new — without sufficient drain | 18 . . | 25 |
| new — without privy, etc., accommodation | 22 . . | 35 |
| existing — without privy, etc., accommodation | 22 . . | 36 |
| refuse (<i>see</i> House Refuse). | | |
| filthy | 27 . . | 46 |
| without water supply | 185 . . | 62 |
| " " " in R. districts | 191 . . | 3-6 |
| overcrowded | 32 . . | 91 |
| " " " " | 38 . . | 109 |
| unfit for habitation | 35 . . | 97 |
| " " " " | 333 . . | 30-37 |
| in unhealthy area | 322 . . | 4 |
| condition to be implied on letting to the working classes | 356 . . | 75 |
| incorporation of provisions as to numbering | 50 . . | 160 |
| numbering of | 152 . . | 64, 65 |
| construction of — incorporation of provisions as to precautions during | 50 . . | 160 |
| hoarding — during repairs, etc. | 157 . . | 80 |
| hoarding — during repairs, etc. | 113 . . | 34 |
| doors of — in streets to open inwards | 154 . . | 71, 72 |
| obstructive projections from — may be removed | 153 . . | 69, 70 |
| purchase of — for widening street | 152 . . | 67 |
| waterspouts to be affixed to when taken down may be set back | 155 . . | 74 |
| when taken down may be set back | 153 . . | 68 |
| common lodging | 47 . . | 155 |
| let in lodgings | 31 . . | 76-89 |
| power of Railway Co. to erect | 31 . . | 90 |
| (<i>See also</i> "Building," "Dwelling House," and "Lodging Houses for the Working Classes.") | 504 . . | 16 |
| House Refuse, removal of— | | |
| L. A. to provide for | 25 . . | 42 |
| L. A. may make byclaws to facilitate | III . . | 26 |
| penalty on L. A. neglecting obstructing | 26 . . | 43 |
| may be sold by L. A. | 25 . . | 42 |
| L. A. may make byclaws as to | 25 . . | 42 |
| byclaws under sec. 44 | 26 . . | 44 |
| | 579 . . | |

| | PAGE | SEC. |
|--|---------|-------|
| House Refuse, removal of— | | |
| receptacles, U. A. may provide | 27 . . | 45 |
| secondary means of access for —, power to make byelaws as to | 109 . . | 23 |
| byelaws under sec. 23 | 565 . . | 1 |
| Housing of the Working Classes Act, 1885. | | |
| amendment of general sanitary law | 313 . . | 7-10 |
| Housing of the Working Classes Act, 1890 | | |
| unhealthy areas | 321 . . | 2-28 |
| unhealthy dwelling-houses | 333 . . | 29-52 |
| working - class lodging - houses | 349 . . | 53-71 |
| supplemental | 356 . . | 72-93 |
| I | | |
| Improvement Act District— | | |
| definition | 8 . . | 4 |
| an urban district | 10 . . | 6 |
| Improvement Commissioners— | | |
| definition | 8 . . | 4 |
| an urban authority | 10 . . | 6 |
| Improvement of Land Act, 1864— | | |
| supply of sewage to land under | 20 . . | 31 |
| Improvement Scheme for Unhealthy Area | 323 . . | 6 |
| when to be made | 322 . . | 4 |
| advertisement of | 324 . . | 7 |
| service of notices of — on owners, etc. | 324 . . | 7 |
| provisional order for | 324 . . | 8-9 |
| inquiry on refusal of U. A. to make | 325 . . | 10 |
| accommodation for working classes displaced by | 325 . . | 11 |
| accommodation for working classes displaced by | 331 . . | 23 |
| execution of | 325 . . | 12 |
| completion of — on failure of U. A. | 327 . . | 13 |
| notice to occupiers | 327 . . | 14 |
| L. G. B. may modify | 327 . . | 15 |
| acquisition of land for | 329 . . | 20 |
| compensation for compulsory purchase | 329 . . | 21 |
| extinction of rights of way, etc. | 331 . . | 22 |
| expenses | 331 . . | 24 |
| borrowing powers | 332 . . | 25 |
| Improvements— | | |
| street (<i>see</i> Streets). | | |

| | PAGE | SEC. |
|--|---------------|------|
| Land— | | |
| compensation for compulsory purchase of . . . | 329 . . | 21 |
| railway—drainage of . . . | 504 . . | 16 |
| for improvement of highway . . . | 474 . . | 53 |
| Lecture Room (<i>see</i> Public Building). | | |
| Lee Conservancy Board— | | |
| to enforce Rivers Pollution Act, 1876 . . . | 136 . . | 9 |
| saving for . . . | 138 . . | 18 |
| Legal Proceedings— | | |
| for abatement of nuisances . . . | 38. 107-109 | |
| " " " . . . | 34 . 95-100 | |
| for offences, penalties, etc. . . | 72 . . | 251 |
| limitation of time for . . . | 72 . . | 252 |
| for recovery of penalties, restriction on . . . | 72 . . | 253 |
| for recovery of rates . . . | 73 . . | 256 |
| " of expenses . . . | 73 . . | 257 |
| for recovery of sums below £50 . . . | 74 . . | 261 |
| application of penalties . . . | 73 . . | 254 |
| against nuisances . . . | 73 . . | 255 |
| appearance of L. A. in . . . | 74. 259, 260 | |
| not to be quashed for want of form . . . | 74 . . | 262 |
| false evidence in . . . | 74 . . | 263 |
| against L. A. . . . | 74. 264, 265 | |
| under P. H. A. Amendt. Act, 1890 . . . | 100 . . | 6 |
| under Housing of the Working Classes Act, 1890 . . . | 359 . . | 90 |
| under Tramways Act, 1870 . . . | 430 . 49-56 | |
| under Rivers Pollution Prevention Act, 1876 . . . | 136 . 10-15 | |
| under Railway Acts . . . | 512. 140, 145 | |
| under Highway Act, 1835 . . . | 456 . 97-111 | |
| Level Crossings— | | |
| over turnpike, etc., roads . . . | 506 . 46-48 | |
| " " " . . . | 510 . 59-62 | |
| " " " . . . | 458 . . | 1 |
| shunting of trains over . . . | 513 . . | 5 |
| lodge at . . . | 513 . . | 6 |
| power of B. of T. to require bridge at . . . | 513 . . | 7 |
| Liberties— | | |
| powers of . . . | 382 . . | 48 |
| Licenses— | | |
| carriages, horses, pleasure-boats, etc. . . . | 54. 171, 172 | |
| pleasure boats . . . | 118 . . | 44 |
| to supply electricity . . . | 255 . . | 3 |
| drivers, etc., of trams . . . | 430 . . | 48 |
| music and dancing . . . | 120 . . | 51 |
| stage plays . . . | 371 . . | 7 |
| Lighting— | | |
| power of U. A. for . . . | 50. 161-163 | |
| streets . . . | 227 . . | 13 |

| | PAGE | SEC. |
|--|--------------|----------------------|
| Lighting— | | |
| streets . . . | 239. 24-27 | |
| " in rural districts . . . | 248 . . | 45 |
| private streets . . . | 44. 150-152 | |
| " . . . | 123 . . | 6 |
| main roads . . . | 374 . . | 11 |
| Electric (<i>see</i> Electric Lighting). | | |
| sewers and street works . . . | 156 . . | 79 |
| hoarding . . . | 157 . . | 80 |
| " . . . | 113 . . | 34 |
| deposits of building materials . . . | 157 . . | 81 |
| road opened for tramway . . . | 421 . . | 27 |
| open cellar, area, pit, sewer, etc. . . . | 162 . . | 28 |
| Watching and — Act, 1833 . . . | 245 . . | |
| Lighting Inspectors— | | |
| election of . . . | 246 . . | 17 |
| meetings of . . . | 246 . 22, 23 | |
| contract by . . . | 249 . . | 57 |
| lamps, etc., vested in . . . | 249 . . | 60 |
| Lime Pit— | | |
| fencing of . . . | 147 . . | 3 |
| Limitation of time for Proceedings . . . | 72 . . | 252 |
| under Highway Act, 1835 . . . | 456 . . | 109 |
| Line, Building (<i>see</i> Building). | | |
| Loans (<i>see</i> Borrowing Powers). | | |
| Local Act— | | |
| power of L. G. B. to repeal . . . | 83 . . | 303 |
| saving for . . . | 91 . . | 340 |
| " . . . | 138 . . | 19 |
| roads under, saving for . . . | 456 . . | 113 |
| transfer of powers of — to C. C. . . . | 371 . . | 4 |
| Local Authority— | | |
| definition . . . | 8 . . | 4 |
| to inspect district for nuisances . . . | 33 . . | 92 |
| to report annually to L. G. B. . . . | 61 . . | 206 |
| defaulting . . . | 82. 299-302 | |
| to enforce law . . . | 313 . . | 7 |
| to give notice of provisions as to passing chemical refuse, steam, etc., into sewers . . . | 106 . . | 17 |
| to inspect district as to dwelling houses unfit for habitation . . . | 334 . . | 32 |
| Local Board— | | |
| definition . . . | 7 . . | 4 |
| an urban authority . . . | 10 . . | 6 |
| incorporation of . . . | 11 . . | 7 |
| election of . . . | 11 . . | 8 |
| may change name . . . | 85 . . | 311 |
| to be Burial Bd. in certain cases . . . | 94 . . | { S. v., Pt. iii. |

| | PAGE | SEC. | | PAGE | SEC. |
|-----------------------------------|---------|----------|---|--------------|------|
| Local Govt. Act, 1888— | | | Local Government District— | | |
| County Councils | 369 . . | 1, 2 | constitution of | 76 . 271-274 | |
| transfer of powers to C. C. . | 369 . . | 3, 4 | Local Inquiries (see Inquiries). | | |
| bridges | 371 . . | 6 | Locking of Wheels— | | |
| licensing | 371 . . | 7 | byelaws as to | 483 . . | 26 |
| main roads | 371 . . | 11 | Locomotives Act, 1861— | | |
| Isle of Wight and South | | | tolls | 492 . . | 1, 2 |
| Wales | 375 . . | 12, 13 | „ exemptions from | 494 . . | 10 |
| Rivers Pollution Prevention | | | maximum weights on wag- | | |
| Act, 1876 | 375 . . | 14 | gons, etc. | 492 . . | 4 |
| byelaws under Municipal | | | prohibition of loco. dan- | | |
| Corporations Act, 1882 . | 376 . . | 16 | gerous or destructive to | | |
| medical officer of health . | 376 . . | 17, 19 | roads | 493 . . | 5 |
| application of act to | | | use of loco. restricted over | | |
| boroughs | 378 . . | 31-39 | suspension and other | | |
| application of act to metro- | | | bridges | 493 . . | 6 |
| polis | 382 . . | 40-45 | owner to make good damage | | |
| application of act to special | | | to bridges by loco. | 493 . . | 7 |
| counties and liberties . . | 382 . . | 46-49 | application of General or | | |
| alteration of boundaries . | 383 . . | 50-63 | Local Highways Acts to | | |
| acquisition of land . . . | 385 . . | 65 | loco. | 494 . . | 12 |
| borrowing powers | 385 . . | 69 | owner to affix name to loco., | | |
| accounts and audit | 385 . . | 71 | also weight | 494 . . | 12 |
| annual estimate | 385 . . | 74 | penalty for fixing incorrect | | |
| bicycles | 386 . . | 85 | weight to loco. | 494 . . | 12 |
| inquiries and provisional | | | nuisance from loco. . . . | 494 . . | 13 |
| orders | 387 . . | 87 | Locomotives Act, 1865— | | |
| saving as to main roads . | 387 . . | 97 | repeal of sections of Loco. | | |
| Local Govt. Act, 1894— | | | Act, 1861 | 495 . . | 2 |
| parish meetings and Parish | | | regulations for working loco. | | |
| Councils | 391 . . | 1-4 | on highways | 495 . . | 3 |
| powers of same | 392 . . | 5-19 | persons to drive loco. and | | |
| guardians and District | | | waggons | 495 . . | 3 |
| Councils | 400 . . | 20, 21 | management of loco. on | | |
| powers of same | 400 . . | 22-31 | highways | 495 . . | 3 |
| county boroughs, U. dis- | | | lights to be affixed to loco. . | 495 . . | 3 |
| tricts, etc. | 405 . . | 32-35 | limit of speed of loco. . . | 496 . . | 4 |
| areas and boundaries . . | 406 . . | 36-42 | restrictions not to apply to | | |
| parish meetings and elec- | | | loco. for agricultural | | |
| tions | 407 . . | 43-50 | purposes | 496 . . | 6 |
| parish and district councils | 407 . . | 51-59 | name and residence of owner | | |
| miscellaneous | 408 . . | 60-77 | to be affixed to loco. . . . | 496 . . | 7 |
| transitory provisions . . | 410 . . | 78-89 | nuisance from loco. . . . | 496 . . | 12 |
| Local Government Board— | | | Locomotives (Amendt.) Act, | | |
| inspector may attend meet- | | | 1878, Highways and— | | |
| ings of R. A. and Local | | | as to highways | 476 . . | |
| Boards | 61 . . | 205 | weight and size of loco. . . | 498 . . | 28 |
| appeal to | 75 . . | 268 | construction of loco. wheels, | | |
| may invest R. A. with | | | etc. | 498 . . | 28 |
| urban powers | 77 . . | 276 | license for specially heavy | | |
| provisional orders made | | | loco. | 498 . . | 28 |
| by | 81 . . | 297, 298 | person to precede loco. . . | 499 . . | 29 |
| may invest U. A. with | | | loco. to consume own smoke | 499 . . | 30 |
| powers of R. A. under | | | byelaws as to loco. | 499 . . | 31 |
| P. H. (Water) Act, 1878 . | 196 . . | 11 | use of loco. on dangerous | | |
| (See also Inquiries). | | | bridges (byelaws) | 500 . . | 31 |
| Local Government District— | | | loco. not to be worked | | |
| definition | 7 . . | 4 | during certain hours | | |
| an urban district | 10 . . | 6 | (byelaws) | 500 . . | 31 |

| | PAGE | SEC. |
|-------------------------------------|---------|--------|
| Locomotives (Amendt.) Act, | | |
| 1878, Highways and— | | |
| County A. may license loco. | 500 . . | 32 |
| confirmation of byelaws by | | |
| L. G. B. | 501 . . | 35 |
| recovery of penalties, fines, | | |
| etc. | 501 . . | 36 |
| appeal to quarter sessions . | 501 . . | 37 |
| definitions | 501 . . | 38 |
| <i>(See also Highways.)</i> | | |
| Lodging Houses, Common . . | 31 . | 76-89 |
| Lodging Houses for the Work- | | |
| ing Classes— | | |
| definition | 349 . . | 53 |
| cottage — definition . . . | 349 . . | 53 |
| adoption of Part III. of | | |
| Housing of the Working | | |
| Classes Act, 1890, as to . | 349 . | 54, 55 |
| power of L. A. as to . . . | 351 . . | 56 |
| acquisition of land for . . | 351 . . | 57 |
| L. A. may erect or purchase | 351 . | 58, 59 |
| sale or exchange of lands for | 352 . . | 60 |
| management of — to vest | | |
| in L. A. | 352 . . | 61 |
| power to make byelaws for | | |
| regulation of | 352 . . | 62 |
| penalties for breach of bye- | | |
| laws | 355 . . | 71 |
| parochial relief to disqualify | | |
| tenant of | 353 . . | 63 |
| when too expensive may be | | |
| sold | 353 . . | 64 |
| expenses as to | 353 . . | 65 |
| borrowing for | 354 . . | 66 |
| loans by Public Works | | |
| Loans Commrs. for . . . | 354 . . | 67 |
| power to companies to pro- | | |
| vide | 354 . . | 68 |
| water and gas supply to . . | 355 . . | 69 |
| inspection of | 355 . . | 70 |
| Lodgings, Houses let in— | | |
| power to make byelaws as to | 31 . . | 90 |
| " " " | 313 . . | 8 |

M

| | | |
|----------------------------|---------|-----|
| Machinery— | | |
| distance from highway of . | 448 . . | 70 |
| Main Roads— | | |
| definition | 388 . . | 100 |
| disturnpiked roads to be- | | |
| come | 479 . . | 13 |
| highway may become . . . | 479 . . | 15 |
| " " " | 374 . . | 11 |
| reduced to ordinary high- | | |
| way | 480 . . | 16 |
| repair of — in certain | | |
| counties | 480 . . | 20 |

| | | |
|--------------------------------------|---------|---------|
| Main Roads— | | |
| extraordinary traffic on . | 481 . . | 23 |
| waggon wheels on —, bye- | | |
| laws as to | 483 . . | 26 |
| gates on —, byelaws as | | |
| to | 483 . . | 26 |
| minerals under —, saving | | |
| for | 483 . . | 27 |
| maintenance of by C. C. . | 371 . . | 11 |
| " " U. A. | 372 . . | 11 |
| " " District C. . | 373 . . | 11 |
| " " by County | | |
| Borough | 379 . . | 34 |
| improvement of | 488 . . | 3 |
| vesting of — in C. C. . . | 373 . . | 11 |
| out of repair | 374 . . | 11 |
| lighting of | 374 . . | 11 |
| breaking up of | 375 . . | 11 |
| saving for | 387 . . | 97 |
| freeing from tolls of . . . | 488 . . | 3 |
| <i>(See also Roads and Streets.)</i> | | |
| Mains— | | |
| power of L. A. for carrying | | |
| water | 181 . . | 54 |
| power for laying water . . | 200 . | 28-34 |
| " " gas | 224 . . | 6-12 |
| alteration of gas and water | 46 . . | 153 |
| " " " " | 505 . | 18-23 |
| Manufactory (see Factory). | | |
| Manure (see Accumulation)— | | |
| encroachment on highway | | |
| by | 474 . . | 51 |
| Map— | | |
| of sewerage system, U. A. | | |
| may provide | 16 . . | 20 |
| of sanitary work to be kept | | |
| in mining districts . . . | 143 . . | 19 |
| Markets— | | |
| U. A. may provide or pur- | | |
| chase | 52 . | 166-168 |
| Markets and Fairs Clauses | | |
| Act, 1847— | | |
| incorporation of . . . | 53 . . | 167 |
| Materials for Highway Re- | | |
| pairs— | | |
| for county bridges . . | 439 . . | 22 |
| cartage of — by ratepayers | 442 . . | 35 |
| highway surveyor's account | | |
| of | 442 . . | 40 |
| to vest in highway surveyor | 442 . . | 41 |
| contract for — by highway | | |
| surveyor | 442 . . | 46 |
| illegally taking . . . | 443 . . | 47 |
| waste lands for obtaining | | |
| — may be sold . . . | 443 . . | 48 |
| waste lands for obtaining | | |
| — may be sold . . . | 460 . . | |
| from commons, rivers, etc. | 443 . . | 51 |

| | PAGE | SEC. |
|--|-------|-------|
| New Buildings— | | |
| air space in front and rear of (byelaws) | 535 . | 42-44 |
| ventilation of (byelaws) | 536 . | 45-47 |
| drainage of „ | 537 . | 48-59 |
| on damp site „ | 537 . | 48 |
| level of lowest storey of (byelaws) | 537 . | 49 |
| notices, deposit of plans, and inspection of (byelaws) | 547 . | 77-84 |
| removal of irregular work in (byelaws) | 550 . | 86 |
| extended power for making byelaws as to | 109 . | 23 |
| paving yards of (byelaws) | 565 . | 2 |
| height of rooms of „ | 566 . | 3 |
| hearths of fireplaces of „ | 566 . | 4 |
| roofs and floors of „ | 567 . | 5-17 |
| certain byelaws as to — may apply to old buildings | 109 . | 23 |
| certain byelaws as to — may be made by R. A. | 109 . | 23 |
| (See also “Walls,” “Chimneys,” “Flues,” “Roofs,” “Floors.”) | | |
| New Streets— | | |
| byelaws, power of U. A. to make | 47 . | 157 |
| width of — definition of (byelaws) | 522 . | |
| level of (byelaws) | 522 . | 1 |
| width of carriage road (byelaws) | 523 . | 2 |
| width of other than carriage road (byelaws) | 523 . | 2 |
| carriage road, what to be (byelaws) | 523 . | 2 |
| entrance to (byelaws) | 523 . | 2 |
| carriage road, construction of (byelaws) | 523 . | 3 |
| notices, deposit of plans and inspection of (byelaws) | 547 . | 77-84 |
| removal of irregular work in (byelaws) | 550 . | 86 |
| power to make byelaws as to secondary means of access in | 109 . | 23 |
| byelaws under sec. 23 | 565 . | 1 |
| Notices— | 74 . | 266 |
| of new streets and buildings, byelaws as to | 48 . | 157 |
| byelaws under sec. 157 | 547 . | 77-84 |
| of alteration to building (byelaws) | 577 . | 2-6 |
| of action against L. A. | 74 . | 264 |
| service of | 74 . | 267 |
| „ by Highway Bd. | 472 . | 26 |
| defacing, etc. | 84 . | 306 |

| | PAGE | SEC. |
|---|-------|--------|
| Notices— | | |
| defacing, etc. | 119 . | 48 |
| form of — requiring abatement of N. | 93 . | S. iv. |
| form of — requiring paving, etc., of private streets | 93 . | „ |
| form of — to provide water supply | 196 . | 12 |
| form of — as to premises unfit for habitation | 93 . | S. iv. |
| to occupiers in unhealthy area | 327 . | 14 |
| under Housing of the Working Classes Act, 1890 | 358 . | 86 |
| under “Railway Consolidation Clauses Act, 1845” | 511 . | 67 |
| Nuisance— | | |
| definition | 31 . | 91 |
| discontinuance of sewers not to cause | 15 . | 18 |
| sewers, etc., to be kept so as not to be | 15 . | 19 |
| disposal of sewage not to cause | 19 . | 27-29 |
| drains, privies, etc., not to cause | 24 . | 40 |
| examination of drains, privies, etc., on complaint of | 24 . | 41 |
| from snow, etc., power to make byelaws as to | 26 . | 44 |
| byelaws under sec. 44 | 580 . | |
| from keeping of animals, power to make byelaws as to | 26 . | 44 |
| keeping swine or pigstye so as to cause | 28 . | 47 |
| waste or stagnant water in cellar a | 28 . | 47 |
| overflow from W.C., privy, or cesspool a | 28 . | 47 |
| offensive ditches near boundaries a | 28 . | 48 |
| accumulation of manure, filth, etc., a | 29 . | 49 |
| overcrowded house a | 32 . | 91 |
| „ | 38 . | 109 |
| L. A. to inspect district for detection of | 33 . | 92 |
| information of — to L. A. | 33 . | 93 |
| abatement of — notice requiring | 34 . | 94 |
| complaint to justice of | 34 . | 95 |
| order dealing with | 34 . | 96 |
| house unfit for habitation a | 35 . | 97 |
| failure to abate — penalty for | 35 . | 98 |
| appeal against order | 36 . | 99 |

| | PAGE | SEC. |
|--|------------|--------|
| Occupier— | | |
| recovery of expenses from . . . | 73 . . | 257 |
| service of notices on . . . | 74 . . | 267 |
| preventing owner obeying act | 84 . . | 306 |
| may demand water supply . | 208 . . | 53 |
| may open streets to lay water-pipes | 208 . . | 52 |
| may demand gas supply . | 235 . . | 11 |
| description of — in rates . | 64 . . | 220 |
| " " proceed- ings against N. | 73 . . | 255 |
| description of — in notices | 74 . . | 267 |
| Offences (see Legal Proceed- ings). | | |
| Offensive— | | |
| ditches near boundaries . . | 28 . . | 48 |
| rubbish in streets | 162 . . | 28 |
| matter, building not to be erected over | 111 . . | 25 |
| matter, building not to be erected over (byelaws) . | 524 . . | 4 |
| Official Representation— | | |
| definition | 321 . . | 2 |
| to be made by med. officer . | 323 . . | 5 |
| Officers— | | |
| appointment of | 59.189-192 | |
| not to contract with L. A. or accept fees, etc. . . . | 60 . . | 193 |
| to give security | 60 . . | 194 |
| to account for moneys re- ceived | 61 . . | 195 |
| proceedings against de- faulting | 61 . . | 196 |
| audit of accounts of . . . | 71 . . | 250 |
| appearance by — in legal proceedings | 74 . . | 259 |
| protection of | 74 . . | 265 |
| compensation to | 85 . . | 309 |
| saving for | 87 . . | 326 |
| of Highway Bd. | 462 . | 12-16 |
| " " to account | 465 . . | 31 |
| (See also Public Bodies Cor- rupt Practices Act, 1889.) | | |
| Offices— | | |
| U. A. to provide | 61 . . | 197 |
| County Council | 385 . . | 65 |
| Open Spaces— | | |
| in front and rear of new buildings (byelaws) . . | 535 . . | 42-44 |
| paving of — of dwelling houses (byelaws) | 565 . . | 2 |
| Orders | 74 . . | 266 |
| service of | 74 . . | 267 |
| closing — definition of . | 333 . . | 29 |
| " forms of summons for | 361 . . | S. iv. |
| closing — form of | 361 . . | " |
| provisional — by L. G. B. . | 81 . . | 297 |

| | PAGE | SEC. |
|--|------------|--------|
| Orders— | | |
| forms of — for abatement of N. | 93 . . | S. iv. |
| under Housing of the Work- ing Classes Act, 1890 . | 358 . . | 86 |
| Outfall, Sewage (see Sewage.) | | |
| Overcrowded House— | | |
| a nuisance | 32 . . | 91 |
| on two convictions may be closed | 38 . . | 109 |
| Overcrowding— | | |
| of tents, vans, sheds, etc. . | 314 . . | 9 |
| (See also Overcrowded House.) | | |
| Overhead Wires— | | |
| regulations as to | 293 . . | |
| byelaws as to —, power to make | 102 . . | 13 |
| exempted | 102 . . | 13 |
| " — danger from . | 103 . . | 14 |
| saving for | 103 . . | 15 |
| restrictions as to | 269 . . | 4 |
| Overseers— | | |
| Parish C. to appoint . . . | 392 . . | 5 |
| Owner— | | |
| definition | 8 . . | 4 |
| " in Housing of the Working Classes Act, 1890 | 333 . . | 29 |
| liability of — to private impt. rate | 63.213-215 | |
| recovery of expenses from . | 73 . . | 257 |
| service of notices on . . . | 74 . . | 267 |
| prevented by occupier from obeying Act | 84 . . | 306 |
| may demand water supply . | 208 . . | 53 |
| may open streets to lay water-pipes | 208 . . | 52 |
| may demand gas supply . | 235 . . | 11 |
| description of — in rates . | 64 . . | 220 |
| " " proceed- ings against N. | 73 . . | 255 |
| description of — in notices | 74 . . | 267 |

P

| | | |
|-----------------------------|---------|------|
| Parish Council— | | |
| constitution of | 391 . . | 1-3 |
| schoolroom, use of | 392 . . | 4 |
| powers of | 392 . . | 5-19 |
| accounts of | 407 . . | 58 |
| first election to | 410 . . | 78 |
| Parish Documents— | | |
| deposit of — with Parish C. | 398 . . | 17 |
| Parish Meeting— | | |
| constitution of | 391 . . | 1-2 |
| schoolroom, use of | 392 . . | 4 |
| power of adopting Acts . | 393 . . | 7 |

| | PAGE | SEC. | | PAGE | SEC. |
|--|------|----------|--|------|-------|
| Parish Meeting (<i>continued</i>)— | | | Permanent Works — | | |
| accounts of | 407 | 58 | power to borrow for | 67 | 234 |
| Parishes — | | | Person — | | |
| definition | 8 | 4 | definition | 8 | 4 |
| boundary, alteration of | 383 | 57 | Pigs — | | |
| formation of — into districts | 438 | 13-17 | kept in dwelling-house, or | | |
| highway in two | 445 | 58-60 | so as to cause a N. | 28 | 47 |
| audit of accounts of | 478 | 9 | a nuisance | 32 | 91 |
| Parks (<i>see</i> Pleasure Grounds). | | | near streets | 162 | 28 |
| Party Wall — | | | Pigstye (<i>see</i> Pigs). | | |
| definition (byelaws) | 521 | | Pipes — | | |
| (<i>See also</i> Walls .) | | | gas and water —, alteration | | |
| Passages — | | | of | 46 | 153 |
| cleansing of by U. A., and | | | gas and water —, alteration | | |
| apportionment of expense | 111 | 27 | by Railway Co. | 505 | 18-23 |
| Pavements — | | | opening streets for laying | | |
| power of L. A. to make bye- | | | water | 200 | 28-34 |
| laws as to cleansing | 26 | 44 | opening streets for laying | | |
| byelaws under sec. 44 | 579 | 1 | water | 208 | 52 |
| vesting of — in U. A. | 43 | 149 | opening streets for laying | | |
| taking up or injuring —, | | | gas | 224 | 6-12 |
| penalty for | 43 | 149 | Pits — | | |
| under Local Acts, saving | | | distance from highway of | 448 | 70 |
| for | 456 | 113 | gravel — to be fenced | 444 | 55 |
| Paving — | | | " " | 147 | 3 |
| definition of "paved" | 100 | 11 | encroaching on highway | 474 | 51 |
| "metalling," "flagging," | | | Plans of, deposit of — | | |
| definition | 122 | 5 | sewage works without dis- | | |
| highways | 43 | 149 | trict | 21 | 32 |
| private streets | 44 | 150 | private street works | 44 | 150 |
| " " | 122 | 6 | " " | 123 | 6 |
| yards and open spaces, power | | | new streets and building, | | |
| to make byelaws as to | 109 | 23 | power to make byelaws | | |
| byelaws under sec. 23 | 565 | 2 | as to | 48 | 157 |
| damaging, etc., penalty for | 43 | 149 | byelaws under sec. 157 | 547 | 77-84 |
| private streets, recovery of | | | alterations to buildings | 577 | 2 |
| expense of | 73 | 257 | lands to be purchased | 56 | 176 |
| private streets, recovery of | | | building described other- | | |
| expense of | 126 | 12-14 | wise than as dwelling- | | |
| private streets, appeal | | | house | 112 | 33 |
| against | 75 | 268 | Platform — | | |
| private streets, objections to | 124 | 7, 8 | safety of — on public occa- | | |
| " church, etc., | | | sions | 115 | 37 |
| exempt from expense of | 45 | 151 | Pleasure-boats — | | |
| private streets, church, etc., | | | U. A. may license | 54 | 172 |
| exempt from expense of | 127 | 16 | U. A. may provide, license, | | |
| over cellars, repair of | 113 | 35 | or let | 118 | 44 |
| Penalties — | | | power of U. A. to make | | |
| recovery of — as to nuis- | | | byelaws as to | 118 | 44 |
| ances | 38 | 107 | Pleasure-grounds, Public — | | |
| recovery of | 72 | 251 | U. A. may provide | 52 | 104 |
| " under Housing | | | Parish C. may provide | 394 | 8 |
| of the Working Classes | | | power to make byelaws as to | 52 | 104 |
| Act, 1890 | 359 | 90 | " " | 394 | 8 |
| restriction on recovery of | 72 | 252, 253 | power to close | 118 | 44 |
| application of | 73 | 254 | " " | 394 | 8 |
| on breach of byelaws | 57 | 183 | transfer of — to Parish C. | 392 | 6 |
| recovery of, Railway Acts | 512 | 140 | U. A. may contribute to- | | |
| " as to road loco. | 501 | 36 | wards | 118 | 45 |

| | PAGE | SEC. | | PAGE | SEC. |
|---|------|--------|--|------|----------|
| pneumatic-tubes— | | | Posts, Direction— | | |
| Telegraph Acts to apply to | 308 | 8 | on highways | 440 | 24 |
| Police— | | | Post-Mortem Examinations— | | |
| information by — of nuisance | 33 | 93 | L. A. may provide places for | 40 | 143 |
| may be authorized to abate N. | 37 | 106 | Powers— | | |
| incorporation of provisions of Towns Police Clauses Act, 1847 | 54 | 171 | R. A. may be invested with Urban | 77 | 276 |
| Pollution of Streams, etc.— | | | U. A. may be invested with Rural — under P. H. (Water) Act, 1878 | 196 | 11 |
| definition | 139 | 20 | Powers of Act Cumulative— | | |
| by sewage | 15 | 17 | P. H. A., 1875 | 91 | 341 |
| " | 132 | 3 | Rivers Pollution Prevention Act, 1876 | 137 | 16 |
| from without district | 188 | 69 | P. H. (Water) Act, 1878 | 196 | 13 |
| by solid matter | 131 | 2 | P. H. A. (Amendt.) Act, 1890 | 100 | 10 |
| by drainage from factories, mines, etc. | 133 | 4-5 | Housing of the Working Classes Act, 1890 | 359 | 91 |
| inspector's certificate as to best practicable means for preventing | 137 | 12 | Precautions— | | |
| by cinders, rubbish, filth, etc. | 118 | 47 | during construction, etc., of sewers, streets, and buildings | 156 | 79-83 |
| Rivers Pollution Prevention Act, 1876 | 131 | | during building operations | 113 | 34 |
| by cemetery | 170 | 20-22 | Premises— | | |
| Pollution of Water— | | | definition | 8 | 4 |
| incorporation of provisions as to | 183 | 57 | a nuisance | 31 | 91 |
| by bathing, washing skins, drains, etc. | 210 | 61 | entry on — to examine as to N. | 36 | 102 |
| by gas washings | 187 | 68 | entry on — for surveying, etc. | 84 | 305 |
| " | 211 | 62, 63 | Private Improvement Expenses | 63 | 213 |
| " | 228 | 21, 23 | joint drainage | 17 | 23 |
| " | 248 | 50 | " | 107 | 19 |
| by gas | 229 | 25 | privy, etc., accommodation | 22 | 36 |
| " | 211 | 64 | examination and repair of drains, etc. | 24 | 41 |
| " | 249 | 52 | water supply to houses | 185 | 62 |
| examination of gas-pipes to ascertain | 229 | 26-28 | R. districts " in | 191 | 3 |
| examination of gas-pipes to ascertain | 211 | 65-67 | paving, etc., private streets | 44 | 150 |
| examination of gas-pipes to ascertain | 249 | 53 | " | 126 | 12 |
| in wells, tanks, cisterns, etc. | 188 | 70 | appeal against to L. G. B. | 75 | 268 |
| by soil-pan or W.C. | 218 | 17 | dispute as to apportionment of | 73 | 257 |
| by cemetery | 170 | 20-22 | recovery of | 73 | 257 |
| privy, ash-pit, etc., not to cause (byelaws) | 543 | 67 | of Rural A. | 67 | 232 |
| Pond— | | | Private Improvement Rates— | | |
| filthy—power of Parish C. as to | 394 | 8 | power to make | 63 | 213 |
| Port Sanitary Authority— | | | proportion of — may be deducted from rent | 63 | 214 |
| constitution of | 79 | 287 | redemption of | 63 | 215 |
| jurisdiction of | 79 | 288 | in Rural Districts | 67 | 232 |
| delegation of powers by | 80 | 289 | borrowing on credit of | 67 | 233, 234 |
| expenses of | 80 | 290 | rentcharge for | 68 | 240 |
| borrowing powers of | 69 | 244 | recovery of | 73 | 257 |
| | | | appeal against | 75 | 268 |

| | PAGE | SEC. | | PAGE | SEC. |
|----------------------------------|---------|--------|-------------------------------------|---------|----------|
| Private Street— | | | Privy— | | |
| definition of "paving," | | | U. A. may provide public . . . | 23 . . | 39 |
| "metalling," "flagging," | 122 . . | 5 | to be properly kept . . . | 24 . . | 40 |
| definition of "paved" . . . | 100 . . | 11 | examination of — on com- | | |
| power to compel paving, | | | plaint | 24 . . | 41 |
| etc., of | 44 . . | 150 | L. A. to provide for cleans- | | |
| apportionment of expense | | | ing | 25 . . | 42 |
| of paving, etc. | 45 . . | 150 | penalty on L. A. for neg- | | |
| power to pave, etc., and | | | lect to cleanse | 26 . . | 43 |
| apportion expense | 123 . . | 6 | power of L. A. to make | | |
| form of notice to pave, etc. | 93 . . | S. iv. | byelaws as to cleans- | | |
| expenses, exemption of | | | ing | 26 . . | 44 |
| Church, etc., from | 45 . . | 151 | byelaws under sec. 44 . . . | 579 . . | 4, 5 |
| expenses, exemption of | | | overflowing, penalty for . . . | 28 . . | 47 |
| Church, etc., from | 127 . . | 16 | for cellar dwelling | 30 . . | 72 |
| adoption of | 45 . . | 152 | a nuisance | 31 . . | 91 |
| " | 116 . . | 41 | power of U. A. to make | | |
| " | 127 . . | 19-20 | byelaws as to | 48 . . | 157 |
| " | 440 . . | 23 | power of U. A. to make | | |
| " | 466 . . | 36 | byelaws as to | 109 . . | 23 |
| (See also Private Street | | | power of R. A. to make | | |
| Works Act, 1892). | | | byelaws as to | 110 . . | 23 |
| Private Street Works Act, | | | byelaws under sec. 157 . . . | 543 . . | 70-73 |
| 1892— | | | byelaws may be extended | | |
| adoption of | 122 . . | 2-4 | to old buildings | 109 . . | 23 |
| private street works | 123 . . | 6-8 | occupation of room over . . . | 110 . . | 24 |
| incidental works and com- | | | secondary means of access | | |
| mission | 124 . . | 9 | to remove contents of | | |
| apportionments | 125 . . | 10 | (byelaws) | 565 . . | I |
| amendment of specification, | | | situation of (byelaws) . . . | 542 . . | 66-68 |
| plans, etc. | 125 . . | 11 | not to communicate with | | |
| final apportionment and | | | sewer, etc. (byelaws) . . . | 543 . . | 69 |
| recovery of expenses | 126 . . | 12-14 | construction of (byelaws) . . | 543 . . | 70-73 |
| U. A. may contribute to- | | | Proceedings (see Legal Pro- | | |
| wards expenses | 126 . . | 15 | ceedings). | | |
| exemption of Church, | | | Profit— | | |
| etc. | 127 . . | 16 | of Water Company | 213 . . | 75-84 |
| borrowing powers | 127 . . | 17, 18 | of Gas " | 229 . . | 30-39 |
| adoption of private streets . . | 127 . . | 19, 20 | of sale of house refuse . . . | 25 . . | 42 |
| accounts | 127 . . | 21 | Projections in Streets— | | |
| exemption of railway and | | | cellar not to project under | | |
| canal companies | 128 . . | 22 | carriageway | 18 . . | 26 |
| expenses of L. A., how de- | | | houses when taken down | | |
| frayed | 128 . . | 23 | may be set back | 153 . . | 68 |
| powers of Act cumulative . . . | 128 . . | 24 | houses when taken down | | |
| repeal of Sec. 150-152, P. H. | | | may be set back | 47 . . | 155 |
| A., 1875, and Sec. 41, | | | from houses | 153 . . | 69, 70 |
| P. H. A. Amendt, Act. | | | doors, gates, etc., opening | | |
| 1890 | 128 . . | 25 | outwards | 154 . . | 71, 72 |
| saving for Thames Con- | | | cellar coverings | 154 . . | 73 |
| servancy | 128 . . | 26 | buildings not to | 47 . . | 150 |
| Privy— | | | purchase of | 46 . . | 154 |
| building house without | 22 . . | 35 | Property— | | |
| existing house without | 22 . . | 36 | vesting of — in L. A. . . . | 12 . . | 12 |
| used in common | 22 . . | 36 | damage to — of L. A. . . . | 85 . . | 307 |
| used in common, penalty for | | | Provisional Orders | 81 . . | 297, 298 |
| fouling | 108 . . | 21 | for formation of united dis- | | |
| factory without | 23 . . | 38 | trict | 77 . . | 279-283 |
| " | 108 . . | 22 | repeal, etc., of Local Act by | 83 . . | 303 |

| | PAGE | SEC. |
|---|---------|----------|
| Public Health Act, 1875— | | |
| disposal of sewage | 19 . | 27-31 |
| sewage works without district | 21 . | 32-34 |
| privies, W.Cs., etc. | 22 . | 35-41 |
| scavenging and cleansing | 25 . | 42-50 |
| water supply | 180 . | 51-70 |
| cellar dwellings | 30 . | 71-75 |
| lodging houses | 31 . | 76-90 |
| nuisances | 31 . | 91-111 |
| offensive trades, unsound meat, and infectious diseases | 39 . | 112-130 |
| hospitals | 39 . | 131-133 |
| epidemic diseases | 39 . | 134-140 |
| mortuaries | 39 . | 141-143 |
| highways | 41 . | 144-148 |
| streets and buildings | 43 . | 149-160 |
| lighting streets | 50 . | 161-163 |
| public pleasure-grounds | 52 . | 164, 165 |
| markets, slaughter-houses, and police regulations | 52 . | 166-172 |
| contracts | 55 . | 173, 174 |
| purchase of lands | 56 . | 175-178 |
| arbitration | 56 . | 179-181 |
| byelaws | 57 . | 182-188 |
| officers | 59 . | 189-196 |
| mode of conducting business | 61 . | 197-206 |
| rating and borrowing powers | 62 . | 207-250 |
| legal proceedings | 72 . | 251-269 |
| alteration of areas and union of districts | 76 . | 270-292 |
| L. G. B. | 81 . | 293-304 |
| miscellaneous and temporary provisions | 84 . | 305-325 |
| saving clauses and repeal of Acts | 87 . | 326-343 |
| Public Health Acts Amendment Act, 1890— | | |
| adoption of | 99 . . | 3 |
| expenses under, how defrayed | 99 . . | 4 |
| L. G. B. may extend Act to R. Districts | 100 . . | 5 |
| legal proceedings | 100 . . | 6 |
| appeal of aggrieved persons | 100 . . | 7 |
| summons, etc. | 100 . . | 8 |
| byelaws under —, how made | 100 . . | 9 |
| powers of Act to be cumulative | 100 . . | 10 |
| definitions | 100 . . | 11 |
| telegraph, etc., wires | 102 . | 13-15 |
| sanitary and other provisions | 105 . | 16-49 |
| application of part of Act to R. districts | 119 . . | 50 |
| music and dancing licenses | 120 . . | 51 |

| | PAGE | SEC. | | PAGE | SEC. |
|--|---------|---------|--|---------|---------|
| Public Health Acts Amend- ment Act, 1890 (<i>con- tinued</i>)— | | | Purchase of— | | |
| stock | 120 . . | 52 | waterworks | 180 . . | 51 |
| Public Health (Building in Streets) Act, 1888 | 96 . . | | premises for street improve- ments | 46 . . | 154 |
| Public Health (Interments) Act, 1879— | | | premises for street improve- ments | 153 . . | 68 |
| extension of Sec. 141 of the P. H. A., 1875 | 167 . . | 2 | gasworks | 51 . . | 162 |
| incorporation of the Cemete- ries Clauses Act, 1847 . . | 167 . . | 3 | markets | 54 . . | 168 |
| Public Health (Water) Act, 1878— | | | lands | 56 . . | 175-178 |
| R. A. to provide or require sufficient water supply . . | 191 . . | 3-5 | water-mill, etc. | 56 . . | 175 |
| new dwelling - houses to have water supply | 194 . . | 6 | tramway | 429 . | 43, 44 |
| R. A. to inspect water supply periodically | 195 . . | 7 | electric lighting plant . . | 266 . . | 2 |
| definition of "reasonable cost" in Sec. 62, P. H. A., 1875 | 195 . . | 8 | Purchase of Lands— | | |
| rating for supply by stand- pipes | 195 . . | 9 | power for | 56 . . | 175 |
| levying of water-rates . . | 196 . . | 10 | regulations as to | 56 . . | 176 |
| L. G. B. may invest U. A. with powers of Act | 196 . . | 11 | for disposal of sewage . . | 19 . . | 27 |
| Public Necessaries (<i>see</i> Sani- tary Conveniences, Public)— | | | for pleasure-grounds . . | 52 . . | 164 |
| Public Resort, Places of— | | | for street improvements . . | 46 . . | 154 |
| definition | 114 . . | 36 | " " | 152 . . | 67 |
| ingress to and egress from . | 114 . . | 36 | for markets | 52 . . | 166 |
| incorporation of provisions of Towns Police Clauses Act, 1847, as to | 54 . . | 171 | belonging to Duchy of Lan- caster | 56 . . | 178 |
| (<i>See also</i> Public Building.) | | | for improvement scheme . | 329 . | 20, 21 |
| Public Works Loans Com- missioners— | | | Purification of Sewage (<i>see</i> Pollution). | | |
| powers of — to lend to L. A. | 68 . | 242-244 | Purlins— | | |
| " " com- panies, etc., for construe- tion, etc., of dwellings for the working classes . . | 354 . . | 67 | size of (byelaws) | 569 . . | 8 |
| rates of loans by | 358 . . | 83 | Putrid Matter (<i>see</i> Pollution). | | |
| Public Worship, Place of— | | | | | |
| exempt from private street expenses | 45 . . | 151 | | | |
| exempt from private street expenses | 127 . . | 16 | | | |
| burial within | 94 . . | S. v. | | | |
| ingress to and egress from . | 114 . . | 36 | | | |
| (<i>See also</i> Public Building.) | | | | | |
| Pump, Public— | | | | | |
| to vest in L. A. | 186 . . | 64 | | | |
| polluted — may be closed . | 188 . . | 70 | | | |
| supply of water for | 203 . . | 37 | | | |
| Purchase of— | | | | | |
| sewer | 13 . . | 14 | | | |

Q

| | | |
|------------------------------|---------|-------|
| Quarry— | | |
| refuse from in streams . . | 131 . . | 2 |
| Quarry (Fencing) Act, 1887 . | 147 . . | |
| Quarter Sessions— | | |
| definition | 9 . . | 4 |
| appeal to | 75 . . | 269 |
| boroughs, powers of | 379 . | 35-39 |
| Quays— | | |
| saving for | 88 . . | 327 |

R

| | | |
|---|---------|-------|
| Rackrent— | | |
| definition | 8 . . | 4 |
| Rafters (<i>see</i> Common Rafters). | | |
| Railway— | | |
| exempt from building bye- laws | 48 . . | 157 |
| interference with by tram- way | 420 . . | 26 |
| interference with in laying E. wires | 261 . . | 13 |
| exempt from private street expenses | 128 . . | 22 |
| alteration to gas and water pipes | 505 . | 18-23 |
| works which Co. may con- struct | 504 . . | 16 |

| | PAGE | SEC. | | PAGE | SEC. |
|---|---------|--------|--|---------|---------|
| Railway— | | | Railway Clauses Act, 1863— | | |
| level crossings over carriage roads | 506 . | 46, 47 | level crossings, B. of T. may require bridge at | 513 . . | 7, 8 |
| level crossings, speed of trains at | 507 . . | 48 | access to tidal shore | 514 . . | 9 |
| level crossings, consent of justices to | 506 . | 46, 59 | Rates— | | |
| level crossings, bridleway and footway | 510 . | 61, 62 | in Urban Districts | 62 . | 207-228 |
| level crossings, trains not to be shunted over | 513 . . | 5 | in Rural Districts | 65 . | 229-232 |
| level crossings, Co. to erect lodge at | 513 . . | 6 | General District | 62 . | 209-212 |
| level crossings, Co. to erect gates at | 458 . . | 1 | Burial Board | 94 . . | S. v. |
| level crossings, power of B. of T. to require bridge at access over, to shore | 513 . . | 7, 8 | private improvement — in Urban Districts | 63 . | 213-215 |
| bridges and approaches, construction of | 507 . | 49-51 | private improvement — in Rural Districts | 67 . . | 232 |
| bridges and approaches, maintenance of | 506 . . | 46 | highway | 63 . | 216-217 |
| bridges, modification of, by B. of T. | 511 . | 65, 66 | U. A. to prepare estimate before making | 64 . . | 218 |
| interference with and restoration of roads | 508 . | 52, 58 | to be open to inspection | 64 . . | 219 |
| bridges over, damage to by road loco. | 493 . . | 7 | description of owner, etc., in | 64 . . | 220 |
| Railway Clauses Consolidation Act, 1845— | | | may be amended | 64 . . | 221 |
| works which Raily. Co. may construct | 504 . . | 16 | publication and collection of | 64 . . | 222 |
| alteration to gas and water pipes | 505 . | 18-23 | evidence of | 65 . . | 223 |
| level crossings | 506 . | 46-48 | deduction may be made from | 65 . . | 224 |
| and " " bridleway and footway | 510 . . | 61 | U. A. may reduce or remit power to borrow on credit of | 67 . . | 233 |
| bridges and approaches, maintenance of | 506 . . | 46 | recovery of | 73 . . | 256 |
| bridges and approaches, construction of | 507 . | 49-51 | appeal against | 75 . . | 269 |
| interference with and restoration of roads | 508 . | 52-58 | water | 182 . . | 56 |
| Co. to repair roads | 510 . . | 58 | " | 212 . | 68-74 |
| screen to railway and turn-pike roads | 511 . . | 63 | " | 219 . . | 21 |
| power of B. of T. to modify requirements as to bridge, etc. | 511 . . | 66 | " | 196 . . | 10 |
| service of notices, etc. | 511 . . | 67 | of Highway Bd., appeal against | 472 . | 37-44 |
| protection of railway fences loco. to consume own smoke penalties, damages | 512 . . | 114 | by Parish C. | 395 . . | 11 |
| access to special act | 512 . . | 162 | Recreation-grounds (see Pleasure-grounds, Public). | | |
| Railway Clauses Act, 1863— | | | Refuges, Street— | | |
| level crossings, shunting over | 513 . . | 5 | power of U. A. to make | 116 . . | 39 |
| level crossings, Co. to construct lodge at | 513 . . | 6 | Refuse (see "House Refuse," "Rubbish," "Removal of.") | | |
| | | | Regulations— | | |
| | | | as to connections with sewers of L. A. | 16 . . | 21 |
| | | | as to places for post-mortem examinations | 40 . . | 143 |
| | | | making of | 59 . . | 188 |
| | | | as to duties of officers. | 59 . . | 189 |
| | | | Removal of— | | |
| | | | house refuse by L. A. | 25 . . | 42 |
| | | | " " power to make byelaws to facilitate | 111 . . | 26 |
| | | | house refuse, penalty on default of | 26 . . | 43 |

| | PAGE | SEC. | | PAGE | SEC. |
|---|---------|--------|------------------------------------|---------|--------|
| Removal of (<i>continued</i>)— | | | Repair of Highways— | | |
| house refuse, power to make | | | repairable <i>ratione tenuræ</i> | | |
| byelaws as to | 26 . . | 44 | out of repair | 465 . . | 34 |
| byelaws under sec. 44. | 579 | | contract by Highway Bd. for | 471 . . | 22 |
| filth on inspector's certifi- | | | Reports— | | |
| cate | 29 . . | 49 | L. G. B. Inspector as to | | |
| manure periodically | 29 . . | 50 | sewage works without | | |
| work contrary to byelaws | | | district | 22 . . | 34 |
| as to new streets and | | | medical officer as to filthy | | |
| buildings | 49 . . | 158 | houses | 27 . . | 46 |
| work contrary to byelaws | | | L. G. B. Inspector as to | | |
| as to new streets and | | | reservoir | 181 . . | 53 |
| buildings | 48 . . | 157 | L. G. B. Inspector as to | | |
| work contrary to byelaws | | | loans | 67 . . | 234 |
| as to new streets and | | | annual — to L. G. B. | 61 . . | 206 |
| buildings (byelaws) | 550 . . | 86 | borough auditors | 69 . . | 246 |
| offensive matter or liquid, | | | auditors | 69 . . | 247 |
| power to make byelaws | | | as to "best practicable and | | |
| as to | 111 . . | 26 | available means" of pre- | | |
| snow, fallen banks, etc., on | | | venting pollution | 136 . . | 10 |
| highways | 441 . . | 26 | as to houses in R. districts | | |
| telegraph wires in streets | 299 . | 14-16 | without water supply | 191 . . | 3 |
| telegraph wires affecting | | | Report, Surveyor's, as to— | | |
| private property | 301 . | 21-29 | necessity for carrying sewer | | |
| Rentcharge— | | | through lands | 14 . . | 16 |
| in respect of advances for | | | drainage of existing houses | 17 . . | 23 |
| private imp. expenses | 68 . . | 240 | " new " | 18 . . | 25 |
| register of | 68 . . | 241 | house without sufficient | | |
| form of | 93 . . | S. iv. | W.C., privy, etc. | 22 . . | 36 |
| Repair of— | | | factory without sufficient | | |
| sewers | 14 . . | 15 | W.C., privy, etc. | 23 . . | 38 |
| bridges by U. A. | 42 . . | 147 | factory without sufficient | | |
| " new county | 439 . . | 21 | W.C., privy, etc. | 108 . . | 22 |
| " on disturnpiked | | | house without proper water | | |
| roads | 439 . . | 21 | supply | 185 . . | 62 |
| turnpike roads by U. A. | 43 . . | 148 | best mode of contracting | 55 . . | 174 |
| streets by agreement | 43 . . | 148 | arbitration on claims under | | |
| county bridges by agree- | | | £20 | 57 . . | 181 |
| ment | 43 . . | 148 | Reservoirs— | | |
| public streets by U. A. | 43 . . | 149 | construction of | 181 . . | 53 |
| sewers, streets, and houses, | | | public — to vest in L. A. | 186 . . | 64 |
| precautions during | 50 . . | 160 | fouling — by gas washings | 187 . . | 68 |
| sewers, streets, and houses, | | | " " " | 228 . | 21-23 |
| precautions during | 157 . . | 80 | " " " | 211 . | 62, 63 |
| sewers, streets, and houses, | | | " | 210 . . | 61 |
| precautions during | 113 . . | 34 | security of | 215 . . | 3-10 |
| dangerous places near streets | 158 . . | 83 | Right of Way— | | |
| cellars, etc., under streets | 113 . . | 35 | Parish C. may acquire | 394 . . | 8 |
| cellar covering | 154 . . | 73 | stopping up, consent to | 396 . . | 13 |
| Repair of Highways— | | | District C. to protect | 402 . . | 26 |
| cost of | 63 . . | 216 | representation of Parish C. | | |
| temporary road during | 441 . . | 25 | as to | 402 . . | 26 |
| cartage of materials for | 442 . . | 35 | Riparian Authority— | | |
| contract for materials for | 442 . . | 46 | definition | 79 . . | 287 |
| obtaining materials for | 443 . | 51-54 | River— | | |
| in two parishes | 445 . | 58-60 | pollution of (<i>see</i> "Pollu- | | |
| out of repair | 455 . | 94-96 | tion.") | | |
| " in highway | | | interference with by Raily. | | |
| district | 464 . | 18, 19 | Co. | 504 . . | 16 |

| | PAGE | SEC. |
|------------------------------------|------------|--------|
| River— | | |
| materials for highway re- | | |
| pairs from | 443 . . | 51 |
| bridge over, damage to by | | |
| road. loco. | 493 . . | 7 |
| navigation of, delay to . . | 493 . . | 7 |
| (See also Streams.) | | |
| River Authorities— | | |
| saving for | 87 . . | 327 |
| alteration of sewers by . . | 89.331-333 | |
| (See also Streams.) | | |
| Rivers Pollution Prevention | | |
| Act, 1876— | | |
| solid matters in streams . . | 131 . . | 2 |
| sewage pollution | 132 . . | 3 |
| manufacturing and mining | | |
| pollutions | 133 . . | 4-6 |
| facilities for drainage of | | |
| factories | 135 . . | 7 |
| enforcement of act | 135 . . | 8-9 |
| legal proceedings | 136 . . | 10-15 |
| savings | 137 . . | 16-19 |
| definitions | 139 . . | 20 |
| C. C. may enforce | 375 . . | 14 |
| Rivers Pollution Prevention | | |
| Act, 1893— | | |
| explanation of Sec. 3, Act, | | |
| 1876 | 140 . . | 1 |
| Roads— | | |
| U. A. may construct | 42 . . | 146 |
| U. A. may agree to repair, | | |
| etc. | 43 . . | 148 |
| power of Raily. Co. to con- | | |
| struct, divert, etc. | 504 . . | 16 |
| interference with and re- | | |
| storation by Railway Co. . . | 508 . . | 52-58 |
| approaches, maintenance of | | |
| by Raily. Co. | 506 . . | 46 |
| level crossings over railways | 506 . . | 46, 47 |
| bridges, over or under rail- | | |
| ways | 507 . . | 49-51 |
| substituted by Raily. Co. . . | 509 . . | 53 |
| screen, from railway | 511 . . | 63 |
| maximum weights on carts, | | |
| etc., on | 492 . . | 4 |
| bridges, damage by road | | |
| loco. | 493 . . | 7 |
| loco. on, regulations as to | | |
| working | 495 . . | 3 |
| loco. on, speed of | 496 . . | 4 |
| „ maximum weight | | |
| and size of | 498 . . | 28 |
| loco. on, byelaws as to . . . | 499 . . | 31 |
| temporary — during re- | | |
| pairs, etc. | 441 . . | 25 |
| under Local Acts, saving | | |
| for | 456 . . | 113 |
| carriage or occupation — | | |
| dedication of | 466 . . | 36 |

| | PAGE | SEC. |
|--------------------------------|---------|--------|
| Roads— | | |
| waggon wheels on — bye- | | |
| laws as to | 483 . . | 26 |
| gates on — byelaws as to . . | 483 . . | 26 |
| transfer of — to County | | |
| Council | 370 . . | 3 |
| declared main roads | 371 . . | 11 |
| improvement of | 488 . . | 3 |
| (See also Main Roads.) | | |
| (See also Streets.) | | |
| Roofs— | | |
| power of U. A. to make | | |
| byelaws as to | 48 . . | 157 |
| byelaws under sec. 157 . . . | 534 . . | 41 |
| to be covered with incom- | | |
| bustible material (bye- | | |
| laws) | 534 . . | 41 |
| construction of (byelaws) . . | 567 . . | 5-8 |
| safety of — on public occa- | | |
| sions | 115 . . | 37 |
| common rafters, size of | | |
| (byelaws) | 568 . . | 7 |
| purlins, size of (byelaws) . . | 569 . . | 8 |
| Rooms— | | |
| underground (see Cellar | | |
| Dwellings). | | |
| power to make byelaws as | | |
| to height of | 109 . . | 23 |
| byelaws under sec. 23 | 566 . . | 3 |
| over privy, etc., occupation | | |
| of | 110 . . | 24 |
| Rubbish— | | |
| L. A. to provide for removal | | |
| of | 25 . . | 42, 43 |
| power to make byelaws as | | |
| to removal of | 26 . . | 44 |
| byelaws under sec. 44. | 579 | |
| U. A. may provide recep- | | |
| tacles for deposit of | 27 . . | 45 |
| offensive — in streets | 162 . . | 28 |
| in streams, prohibition as | | |
| to | 131 . . | 2 |
| „ „ „ | 118 . . | 47 |
| Ruinous Buildings— | | |
| incorporation of provisions | | |
| as to | 50 . . | 160 |
| incorporated provisions as | | |
| to | 155 . . | 75-78 |
| Rural Authority— | | |
| description of | 11 . . | 9 |
| powers and duties of | 12 . . | 11 |
| may be invested with | | |
| powers of U. A. | 77 . . | 276 |
| may form special drainage | | |
| district | 77 . . | 277 |
| P. H. A. Amendt. Act, 1890, | | |
| may be extended to | 100 . . | 5 |
| to make periodical inspec- | | |
| tion of water supply | 195 . . | 7 |

| | PAGE | SEC. | | PAGE | SEC. |
|---------------------------------------|---------|-------|--------------------------------------|---------|-------|
| Sewage— | | | Sewers— | | |
| interference with flow of — | | | power to purchase water- | | |
| by putting injurious | | | mill, etc., interfering with | 56 . . | 175 |
| matters into sewers | 105 . . | 16 | deduction from rates in | | |
| chemical refuse, steam, etc., | | | certain cases of | 65 . . | 224 |
| in sewers causing a N. | 105 . . | 17 | construction of in R. District | | |
| (See also "Sewers" and | | | to be special expenses | 65 . . | 229 |
| "Pollution.") | | | of united districts | 78 . . | 279 |
| Sewers— | | | defaulting authority | 82 . . | 299 |
| definition | 8 . . | 4 | entry on lands to ascertain | | |
| to vest in L. A. | 13 . . | 13 | course of | 84 . . | 305 |
| L. A. may purchase | 13 . . | 14 | injury to | 85 . . | 307 |
| L. A. to keep in repair and | | | injury to — by passing in- | | |
| make | 14 . . | 15 | jurious matter into | 105 . . | 16 |
| powers for carrying | 14 . . | 16 | interference with flow of — | | |
| alteration and discontinu- | | | by putting injurious | | |
| ance of | 15 . . | 18 | matters in | 105 . . | 16 |
| map of —, U. A. may keep | 16 . . | 20 | chemical refuse, steam, etc., | | |
| „ in mining dis- | | | in — a N. | 105 . . | 17 |
| tricts to be kept | 143 . | 19-21 | saving for commissioners | | |
| use of — by owners, etc., | | | of | 87 . . | 327 |
| within district | 16 . . | 21 | may be diverted by dock, | | |
| use of — by owners, etc., | | | etc., authorities | 89 . . | 331 |
| without district | 16 . . | 22 | arbitration as to diverted | 90 . . | 333 |
| use of — by factories | 135 . . | 7 | support of — in mining | | |
| drainage of houses into | | | districts | 142 . . | 3 |
| new sewers | 18 . . | 24 | interference with — by | | |
| connection with —, L. A. to | | | tramway | 424 . . | 31 |
| make if requested | 106 . . | 18 | breaking up — for laying | | |
| L. A. may agree to make | | | water-pipes | 200 . | 28-34 |
| — for owner | 106 . . | 18 | breaking up — for laying | | |
| cleansing of | 15 . . | 19 | water-pipes | 208 . . | 52 |
| „ —, supply of | | | breaking up — for laying | | |
| water for | 203 . . | 37 | gas-pipes | 224 . . | 6-12 |
| to be covered and venti- | | | privy, ash-pit, or cesspool | | |
| lated | 15 . . | 19 | not to communicate with | | |
| construction of joint — to | | | (byelaws) | 543 . . | 69 |
| save expense | 17 . . | 23 | failure to provide — by | | |
| cleansing of joint | 107 . . | 19 | District C. | 397 . . | 16 |
| not to be built over without | | | Shafts— | | |
| consent | 18 . . | 26 | distance from highway of | 448 . . | 70 |
| without district, construc- | | | Shed used for Habitation (see | | |
| tion of | 21 . | 32-34 | Tents). | | |
| for outfall or distribution | 14 . . | 16 | Shelters, Cabmen's— | | |
| communication of — with | | | U. A. may provide | 116 . . | 39 |
| adjoining district | 19 . . | 28 | Shooting-galleries— | | |
| power to compel construc- | | | power of U. A. to make | | |
| tion of — in private | | | byelaws as to | 116 . . | 38 |
| streets | 44 . . | 150 | Shoring of Buildings— | | |
| precautions during con- | | | during construction of | | |
| struction of | 50 . . | 160 | sewers and streets | 156 . . | 79 |
| stoppage of traffic during | | | Shrubs— | | |
| construction of | 156 . . | 79 | obstructing highways | 446 . . | 64 |
| shoring of buildings during | | | Sink— | | |
| construction of | 156 . . | 79 | discharge pipe from (bye- | | |
| works to be lighted during | | | laws) | 539 . . | 58 |
| construction of | 156 . . | 79 | slop (byelaws) | 540 . . | 59 |
| open to be fenced and | | | Slate Quarry— | | |
| lighted | 162 . . | 28 | fencing of | 147 . . | 3 |

| | PAGE | SEC. | | PAGE | SEC. |
|--|---------|-------|--|---------|--------|
| Slaughter-house— | | | Steam in Sewers— | | |
| definition | 8 . . | 4 | L. A. to give notice of pro- | | |
| incorporation of provisions | | | visions as to | 105 . . | 17 |
| as to | 54 . . | 169 | Stone Quarry— | | |
| U. A. may provide | 54 . . | 169 | fencing of | 147 . . | 3 |
| notice to be affixed on | 54 . . | 170 | Stones— | | |
| Slop-sink (byelaws) | 540 . . | 59 | gathering for highway re- | | |
| Smoke Nuisance— | | | pairs | 443 . . | 51 |
| definition of | 32 . . | 91 | heap of — on highway at | | |
| entry of L. A. | 36 . . | 102 | night | 444 . . | 56 |
| saving for mines, smelting- | | | fixed by surveyor, dama- | | |
| works, etc. | 90 . . | 334 | ging | 449 . . | 72 |
| from road loco. | 499 . . | 30 | Stopping up and Diverting | | |
| „ railway loco. | 512 . . | 114 | Highways— | | |
| Snow— | | | connected together | 452 . . | 84-93 |
| byelaws as to removal of | | | appeal against | 453 . . | 86, 87 |
| power to make | 26 . . | 44 | order to | 454 . . | 88, 89 |
| byelaws under sec. 44. | 580 | | repair of new highway | 454 . . | 91 |
| accumulation of — on high- | | | repairable <i>ratione tenuræ</i> | 455 . . | 92 |
| way | 441 . . | 26 | under Local Acts | 466 . . | 93 |
| Soil-pan— | | | consent for | 396 . . | 44 |
| waste or pollution of water | | | Streams— | | |
| by | 218 . . | 17 | definition | 139 . . | 13 |
| Soil-pipe of W.C.— | | | sewage to be purified before | | |
| to be outside building (bye- | | | discharged into | 15 . . | 20 |
| laws) | 539 . . | 57 | foul — near boundary of | | |
| Solid Matter in Streams— | | | district | 28 . . | 48 |
| definition | 139 . . | 20 | fouling — by gas washings | 187 . . | 68 |
| (See also Streams.) | | | putting solid matters into | 131 . . | 2 |
| South Wales— | | | sewage pollution of | 132 . . | 3 |
| application of Highway and | | | drainage of factories, etc., | | |
| Loco. Act, 1878, to | 375 . . | 13 | into | 133 . . | 4 |
| Special Act— | | | drainage of mines into | 133 . . | 5 |
| definition of, in Ineorpor- | | | restriction on proceedings | | |
| ated Acts | 86 . . | 316 | as to polluted | 134 . . | 6 |
| access to — (water) | 213 . . | 90-94 | proceedings as to polluted | 136 . . | 10-15 |
| „ (gas) | 230 . . | 45-49 | throwing cinders, rubbish, | | |
| „ (railway) | 512 . . | 162 | etc., in | 118 . . | 47 |
| Special Counties— | | | interference with, by Rail- | | |
| powers of | 382 . . | 46 | way Co. | 504 . . | 16 |
| Special Drainage District | 77 . . | 277 | Bridges over, damage to by | | |
| Special Expenses | 65 . . | 229 | road loco. | 493 . . | 7 |
| Stagnant Water— | | | Parish C. may utilize | 394 . . | 8 |
| in dwelling-houses | 28 . . | 47 | Streets— | | |
| power of Parish C. as | | | definition | 8 . . | 4 |
| to | 394 . . | 8 | power to carry sewer under | 14 . . | 16 |
| Staircases— | | | open cellar in — unpro- | | |
| power to make byelaws as | | | ected | 162 . . | 28 |
| to structure of | 109 . . | 23 | cellars, etc., in — not to be | | |
| byelaws under sec. 23 | 573 . . | 17 | under carriageway | 18 . . | 26 |
| of public buildings | 114 . . | 36 | repair of cellars under | 113 . . | 35 |
| Stand-pipe for Water Supply | 195 . . | 9 | cellar coverings | 154 . . | 73 |
| Stations— | | | watering | 25 . . | 42 |
| railway | 504 . . | 16 | cleansing — by L. A. | 25 . . | 42 |
| Statues— | | | L. A. may make byelaws | | |
| erection, etc., of, in U. | | | as to cleansing of | 26 . . | 44 |
| Districts | 117 . . | 42 | byelaws under sec. 44 | 579 | |
| Steam in Sewers— | | | sewers in — without dis- | | |
| a nuisance | 105 . . | 17 | trict | 21 . . | 32 |

| | PAGE | SEC. |
|--|---------|--------|
| Streets— | | |
| public — vested in L. A. | 43 . . | 149 |
| U. A. to pave, etc., public | 43 . . | 149 |
| level of public — may be altered | 43 . . | 149 |
| fencing of | 43 . . | 149 |
| damage to pavement, trees, and fences in | 43 . . | 149 |
| power to compel paving, sewerage, etc., of private | 44 . . | 150 |
| power to pave, etc., private — and charge expense | 122 . . | 6 |
| Private—Works Act, 1892 | 122 . . | |
| exemption of church, etc., from private — expenses | 45 . . | 151 |
| exemption of church, etc., from private — expenses | 127 . . | 16 |
| adoption of private | 45 . . | 152 |
| “ “ | 117 . . | 41 |
| “ “ | 127 . . | 19 |
| “ “ | 127 . . | 20 |
| alteration of gas and water pipes in | 46 . . | 153 |
| widening, etc., of | 46 . . | 154 |
| power to regulate line of buildings in | 47 . . | 155 |
| buildings in — not to be brought forward | 47 . . | 156 |
| buildings in — not to be brought forward | 96 . . | 3 |
| power to make byelaws as to new | 47 . . | 157 |
| power to make byelaws as to new | 109 . . | 23 |
| byelaws under sec. 157 | 522 . . | 1-3 |
| “ “ 23 | 565 . . | 1 |
| incorporation of provisions as to naming, etc. | 50 . . | 160 |
| naming, etc., of —, and numbering houses in | 152 . . | 64, 65 |
| improving line of | 152 . . | 66-68 |
| removing obstructions in | 153 . . | 69-74 |
| lighting | 50 . . | 161 |
| “ | 227 . . | 13 |
| “ | 239 . . | 24-27 |
| fire-plugs in —, U. A. to provide | 187 . . | 66 |
| fire-plugs in —, water company to fix | 204 . . | 38-43 |
| refuges, etc., U. A. may make | 116 . . | 39 |
| unhealthy | 322 . . | 4 |
| breaking up — for water-pipes | 200 . . | 28-34 |
| breaking up — for water-pipes | 208 . . | 52 |
| breaking up — for gas-pipes | 224 . . | 6-12 |
| “ “ electric | | |
| light | 260 . . | 12 |

| | PAGE | SEC. |
|--|---------|--------|
| Streets— | | |
| breaking up — for electric light | 281 . . | 8-13 |
| breaking up of private — for electric light | 261 . . | 13 |
| breaking up — for tramway | 420 . . | 26, 27 |
| repair of — by Tramway Co. | 421 . . | 28 |
| tramway to be in centre of | 418 . . | 9 |
| tram rails, distance from kerb of | 418 . . | 9 |
| tram rails to be level with | 420 . . | 25 |
| length of — to be open for tramway | 420 . . | 26 |
| broken up for tramway to be fenced, etc. | 421 . . | 27 |
| part of — to be repaired by Tramway Co. | 421 . . | 28 |
| contract with Tramway Co. for paving and repair of | 422 . . | 29 |
| tramway not to acquire right over | 431 . . | 57 |
| tramway not to affect widening of | 431 . . | 60 |
| tramway not to affect public use of | 432 . . | 62 |
| prohibition of loco. destructive to | 493 . . | 5 |
| diversion of — by Railway Co. | 504 . . | 16 |
| interference with — and restoration by Railway Co. | 508 . . | 52-58 |
| approaches to railway bridges | 506 . . | 46 |
| level crossings | 506 . . | 46, 47 |
| bridges over or under railways | 507 . . | 49, 51 |
| trees may be planted in public — by U. A. | 117 . . | 43 |
| projections from houses in | 153 . . | 69, 70 |
| doors in — to open inwards | 154 . . | 71, 72 |
| gutters to houses in | 155 . . | 74 |
| stoppage of traffic during construction of | 156 . . | 79 |
| dangerous building in | 50 . . | 160 |
| “ “ | 155 . . | 75-78 |
| precautions “ during construction of | 50 . . | 160 |
| precautions during construction of | 156 . . | 79, 80 |
| obstructions and nuisances in | 54 . . | 171 |
| obstructions and nuisances in | 161 . . | 28 |

| | PAGE | SEC. | | PAGE | SEC. |
|--|-------|----------|--|-------|--------|
| Streets (continued)— | | | Telegraphs, etc., Wires— | | |
| deposits of building materials in | 157 . | 81, 82 | laying of — interfering with tramway | 424 . | 32 |
| dangerous places near | 158 . | 83 | (See also Telegraph Acts.) | | |
| shoring houses during construction of | 156 . | 79 | Telegraph Act, 1863— | | |
| (See also "New Streets," "Private Streets.") | | | general powers | 298 . | 6-8 |
| Subway— | | | telegraphs, under streets, etc., restrictions | 299 . | 9-13 |
| interference with, by Tramway | 424 . | 31 | telegraph under streets, etc., removal of | 299 . | 14-16 |
| (See Tunnels). | | | opening streets, etc. | 300 . | 17-20 |
| Summary Jurisdiction, Court of— | | | works affecting private property | 301 . | 21-29 |
| definition | 9 . | 4 | works affecting private property, removal of | 302 . | 30, 31 |
| Summary Proceedings | 72 . | 251, 252 | works affecting sea-shore, etc. | 302 . | 35 |
| Support of Sewers in Mining Districts | 141 . | | Telegraph Act, 1866 | 303 . | |
| Surveying, etc.— | | | " 1868 | 303 . | |
| entry for | 84 . | 305 | " 1869 | 303 . | |
| Surveyor— | | | " 1870 | 303 . | |
| definition | 8 . | 4 | " 1878 | 304 . | |
| " Highway Act, 1835 | 438 . | 5 | " 1885 | 305 . | |
| appointment of | 59 . | 189 | " 1889 | 305 . | |
| highway, appointment of | 438 . | 6-12 | Telegraph Act, 1892— | | |
| neglect of duty by highway | 439 . | 20 | works on private lands | 306 . | 2 |
| highway — not to share in contract, etc. | 442 . | 46 | " in streets, etc. | 306 . | 3 |
| power of highway — to vest in Highway Bd. | 462 . | 11 | lines constructed irregularly | 307 . | 4 |
| highway —, U. A. to be | 41 . | 144 | licensees of P. G. | 307 . | 5 |
| " penalty on — for highway out of repair | 455 . | 94 | agreement with E. Lighting Co. | 308 . | 6 |
| Surveyor's Report (see Report). | | | saving for railways and canals | 308 . | 7 |
| Swine— | | | acts to apply to pneumatic tubes, etc. | 308 . | 8 |
| keeping of — a N. | 28 . | 47 | Tents used for Habitation— | | |
| Swings, etc.— | | | nuisance in | 314 . | 9 |
| power of U. A. to make byelaws as to | 116 . | 38 | power to make byelaws as to | 314 . | 9 |
| | | | power of entry | 314 . | 9 |
| | | | Thames Conservancy— | | |
| | | | saving for | 138 . | 18 |
| | | | Tin Works— | | |
| | | | damaging — in digging road materials | 445 . | 57 |
| | | | Theatre— | | |
| | | | means of ingress and egress | 114 . | 36 |
| | | | Timber— | | |
| Telegraphs, etc., Wires— | | | in walls (byelaws) | 530 . | 21-22 |
| power of U. A. to make byelaws as to | 102 . | 13 | roof and floor (byelaws) | 567 . | 5-17 |
| exempted from byelaws, dangerous | 103 . | 14 | common rafters, size of (byelaws) | 568 . | 7 |
| protection of | 284 . | 16 | purlins, size of (byelaws) | 569 . | 8 |
| saving for — of postmaster-general, Electric Lighting Co., mines, etc. | 103 . | 15 | joists of domestic buildings, size of (byelaws) | 570 . | 10-11 |
| alteration of — by tramway | 422 . | 30 | beams of domestic buildings, size of (byelaws) | 571 . | 12 |
| | | | joists of warehouse buildings, size of (byelaws) | 571 . | 13-14 |

T

| | PAGE | SEC. | | PAGE | SEC. |
|---|---------|--------|--|---------|---------|
| Timber— | | | Tramway Act, 1870— | | |
| beams of warehouse build- ings, size of (byelaws) . . . | 572 . . | 15 | gauge of T. | 420 . . | 25 |
| joists and beams of public buildings, size of (bye- laws) | 573 . . | 16 | inspection of T. before open- ing | 420 . . | 25 |
| Topmost Storey— | | | rails to be level with road . | 420 . . | 25 |
| definition (byelaws) . . . | 521 . . | | breaking up streets for T. . | 420 . . | 26, 27 |
| height of —, how measured (byelaws) | 526 . . | 10 | length of street to be opened at a time | 420 . . | 26 |
| Tolls— | | | interference with bridge, railway, or T. | 420 . . | 26 |
| for passage of loco. and waggon, etc., on turn- pike roads | 492 . . | 1, 2 | road broken up to be fenced and lighted | 421 . . | 27 |
| exemption from | 494 . . | 10 | part of road to be repaired by T. Co. | 421 . . | 28 |
| freeing highways from . . | 488 . . | 3 | abandonment of T. | 422 . . | 28 |
| Towns Impt. Clauses Act, 1847— | | | power to contract, etc., for paving, etc., work . . . | 422 . . | 29 |
| incorporation of provisions of — as to streets and houses | 50 . . | 160 | alteration to mains and wires | 422 . . | 30 |
| incorporation of provisions of — as to slaughter- houses | 54 . . | 169 | interference with sewer, drain, subway, etc. . . | 424 . . | 31 |
| naming streets and number- ing houses | 152 . . | 64, 65 | laying of mains and wires interfering with T. . . | 424 . . | 32 |
| improving line of streets and removing obstructions . | 152 . . | 66-74 | settlement of differences . | 426 . . | 33 |
| ruinous or dangerous build- ings | 155 . . | 75-78 | carriages used on T. . . . | 427 . . | 34-40 |
| precautions during con- struction, etc., of sewers, streets, and houses . . | 156 . . | 79-83 | animal power to be used . | 427 . . | 34 |
| Towns Police Clauses Act, 1847— | | | width of carriages | 427 . . | 34 |
| incorporation of provisions of | 54 . . | 171 | discontinuance of T. . . . | 428 . . | 41 |
| obstructions and nuisances in streets | 161 . . | 28 | insolvency | 428 . . | 42 |
| fires, fire-engines, etc. . | 163 . . | 30-33 | purchase of T. by L. A. . | 429 . . | 43, 44 |
| Traffic— | | | tolls | 429 . . | 45 |
| regulation of — on tram- way | 432 . . | 61 | L. A. may make byelaws, etc., as to | 429 . . | 46, 47 |
| extraordinary — on high- ways | 481 . . | 23 | L. A. may license drivers, etc. | 430 . . | 48 |
| Tramway— | | | offences and penalties . | 430 . . | 49-54 |
| interference with in laying E. wires | 261 . . | 13 | responsibility for damage . | 431 . . | 55 |
| power of Raily. Co. to con- struct | 504 . . | 16 | recovery of tolls, penalties, etc. | 431 . . | 56 |
| alteration to gradients of, by Raily. Co. | 507 . . | 49, 50 | T. not to acquire right over road | 431 . . | 57 |
| Tramway Act, 1870— | | | T. not exempt from turn- pike tolls | 431 . . | 57 |
| provisional order autho- rizing | 417 . . | 4-21 | arrangement with turnpike road trustees | 431 . . | 58 |
| T. to be in centre of road . | 418 . . | 9 | saving for mines | 431 . . | 59 |
| distance of rail from kerb . | 418 . . | 9 | T. not to affect widening of road | 431 . . | 60 |
| expenses of T., how de- frayed | 419 . . | 20 | regulation of traffic . . . | 432 . . | 61 |
| | | | T. not to affect public use of road | 432 . . | 62 |
| | | | inquiries | 432 . . | 63 |
| | | | Bd. of Trade rules . . . | 432 . . | 64 |
| | | | Treasurer— | | |
| | | | appointment of | 59 . . | 189-190 |
| | | | of Highway Bd., appoint- ment of | 462 . . | 12-15 |
| | | | Trees— | | |
| | | | damaging trees | 43 . . | 149 |

| | PAGE | SEC. |
|-------------------------------------|---------|------|
| Urban District C.— | | |
| expenses of | 493 . . | 28 |
| Urinals— | | |
| U. A. may provide | 23 . . | 39 |
| a nuisance | 31 . . | 91 |
| (See also "Sanitary Conveniences.") | | |

V

| | | |
|---|---------|-------|
| Valve— | | |
| water — out of repair | 218 . . | 17 |
| " injuring | 210 . . | 60 |
| Vans used for Habitation (see Tents). | | |
| Vault— | | |
| not to be within church, etc. | 94 . . | S. v. |
| (See also Cellars.) | | |
| Ventilation— | | |
| of Sewers | 15 . . | 19 |
| factory without — a N. | 32 . . | 91 |
| of buildings, power to make byelaws as to | 48 . . | 157 |
| byelaws under sec. 157 | 536 . . | 45-47 |

W

| | | |
|--|---------|--------|
| Wain— | | |
| wheels of —, byelaws as to | 483 . . | 26 |
| Waggons— | | |
| name, etc., to be on | 450 . . | 76 |
| driver of | 450 . . | 77 |
| wheels, byelaws as to | 483 . . | 26 |
| Walls— | | |
| dangerous | 155 . . | 75-78 |
| power to make byelaws as to structure of | 48 . . | 157 |
| external —, definition of (byelaws) | 522 . . | |
| party —, definition of (byelaws) | 521 . . | |
| structure of (byelaws) | 525 . . | 5 |
| to be true and plumb (byelaws) | 525 . . | 6 |
| angles of — to be bonded (byelaws) | 525 . . | 7 |
| to rest on proper footings (byelaws) | 525 . . | 8 |
| damp-course (byelaws) | 526 . . | 9 |
| height and length of —, how measured (byelaws) | 526 . . | 10 |
| cross —, what is " | 526 . . | 11 |
| thickness of " | 527 . . | 12-13 |
| thickness of — of high storcys (byelaws) | 528 . . | 14 |
| piers in " | 529 . . | 15 |
| openings in " | 529 . . | 16, 17 |
| recesses in " | 529 . . | 18 |
| chases in " | 530 . . | 19 |

| | | |
|--|---------|--------|
| Walls— | | |
| girders bearing on " | 530 . . | 20 |
| woodwork in " | 530 . . | 21 |
| timber in " | 531 . . | 22 |
| partition " | 531 . . | 23 |
| parapet " | 531 . . | 24 |
| party — to project beyond eaves (byelaws) | 531 . . | 25 |
| of new county bridges | 439 . . | 21 |
| damaging — of highways | 449 . . | 72 |
| War Department— | | |
| saving for | 87 . . | 327 |
| Wards— | | |
| division of districts into | 76 . . | 271 |
| Warehouse— | | |
| definition (byelaws) | 522 . . | |
| railway | 504 . . | 16 |
| Wash-houses, Public— | | |
| water supply to | 186 . . | 65 |
| " | 203 . . | 37 |
| Waste Lands— | | |
| obtaining materials from — for highway repairs | 443 . . | 51 |
| may be sold | 443 . . | 48 |
| side of disturnpiked roads | 447 . . | 69 |
| Waste or Misuse of Water— | | |
| incorporation of provision as to | 183 . . | 57 |
| incorporated provisions | 208 . . | 54-60 |
| " | 218 . . | 16-20 |
| Waste-pipe— | | |
| discharge from (byelaws) | 539 . . | 58 |
| Waste Water in Dwelling-houses | 28 . . | 47 |
| Watching and Lighting Act— | | |
| superseded by P. H. A., 1875 | 51 . . | 163 |
| Watching and Lighting Act, 1833— | | |
| adoption of | 245 . . | 4-15 |
| " | 250 . . | 71-73 |
| " by parish meeting | 393 . . | 7 |
| election of inspectors | 246 . . | 17 |
| accounts, etc. | 11 . . | 18-19 |
| " | 247 . . | 31-32 |
| meetings of inspectors | 246 . . | 22, 23 |
| appointment, etc., of officers | 247 . . | 24-28 |
| collection, etc., of rate | 247 . . | 33-38 |
| fire-engines | 247 . . | 44 |
| lamp-posts, etc. | 247 . . | 45 |
| " vested in inspectors | 249 . . | 60 |
| supply of gas | 248 . . | 46-54 |
| damaging lamps, etc. | 249 . . | 55, 56 |
| contract for works | 249 . . | 57, 58 |
| purchase of ground or building | 249 . . | 59 |
| adjoining parishes | 249 . . | 61 |

| | PAGE | SEC. |
|--|-------|--------|
| Watching and Lighting Act, 1833 (<i>continued</i>)— | | |
| legal proceedings | 250 . | 62-70 |
| entry on gas-works | 250 . | 74 |
| saving for commissioners of sewers | 250 . | 75 |
| definitions | 250 . | 77 |
| Water— | | |
| power of L. A. for supply- ing | 180 . | 51, 52 |
| reservoirs, construction of . | 181 . | 53 |
| mains, power for carrying . | 181 . | 54 |
| to be pure and wholesome . | 182 . | 55 |
| may be constantly laid on under pressure | 182 . | 55 |
| supply by agreement | 182 . | 56 |
| incorporation of provisions of Waterworks Clauses Act, 1847 | 183 . | 57 |
| incorporation of Water- works Clauses Act, 1863 . | 183 . | 57 |
| supply by measure | 183 . | 58 |
| meter, register of | 184 . | 59 |
| „ injuring | 184 . | 60 |
| fraudulently abstracting . | 184 . | 60 |
| fittings, injuring | 184 . | 60 |
| supply to adjoining district houses without proper sup- ply of | 185 . | 61 |
| Water Company may sup- ply, etc., — to L. A. | 186 . | 63 |
| public cisterns, wells, etc., to vest in L. A. | 186 . | 64 |
| supply to baths and wash- houses, factories, etc. . . . | 186 . | 65 |
| supply for fires | 187 . | 66 |
| „ „ | 205 . | 42 |
| „ to universities | 187 . | 67 |
| fouling — (<i>see</i> Pollution). in wells, etc., may be ana- lyzed | 188 . | 70 |
| polluted wells may be closed | 188 . | 70 |
| default of L. A. to supply . | 82 . | 299 |
| supply in R. districts, ex- pense of | 65 . | 229 |
| supply to houses in R. dis- tricts | 191 . | 3-6 |
| supply by stand-pipe | 195 . | 9 |
| periodical inspection of — in R. district | 195 . | 7 |
| reasonable cost of supply of —, definition of | 195 . | 8 |
| rates, power to require . . . | 196 . | 10 |
| „ (<i>see</i> Rates). pipes in streets, alteration of | 46 . | 153 |
| saving for | 90 . | 332 |
| „ | 87 . | 327 |
| „ | 15 . | 17 |

| | PAGE | SEC. |
|--|-------|--------|
| Water— | | |
| union of districts for supply of | 78 . | 279 |
| waste or misuse of | 208 . | 54-60 |
| „ | 218 . | 16-20 |
| supply to W.C., power to make byelaws as to | 109 . | 23 |
| supply to W.C. (byelaws) . | 574 . | 18 |
| „ to lodgings for the working classes | 355 . | 69 |
| supply by water company, extent of | 202 . | 35-37 |
| supply by water company, extent of | 217 . | 12, 13 |
| sewers and drains, supply for cleansing | 203 . | 37 |
| streets, supply for water- ing | 203 . | 37 |
| public pumps, baths, and wash-houses, supply for . | 203 . | 37 |
| communication pipes for — laying of by undertakers . | 205 . | 44-47 |
| communication pipes for — laying of by owners, etc | 207 . | 48-53 |
| service pipes, bore of . . . | 208 . | 50 |
| supplying another person with | 209 . | 58 |
| valves, etc., damaging . . . | 210 . | 60 |
| supply other than for domestic purposes | 217 . | 12, 13 |
| meters | 217 . | 14, 15 |
| „ | 183 . | 58 |
| power to cut off | 218 . | 16 |
| „ „ | 213 . | 74 |
| „ „ | 209 . | 57 |
| „ „ | 209 . | 54 |
| using — contrary to agree- ment | 218 . | 18 |
| using — without agreement | 219 . | 20 |
| pipes, penalty for altering . | 219 . | 19 |
| „ non-repair of | 218 . | 17 |
| privy, ash-pit, and cesspool, distance from (byelaws) . | 543 . | 67 |
| supply by Parish C. | 394 . | 8 |
| failure of District C. to provide | 397 . | 16 |
| Water-closets— | | |
| power of U. A. to make byelaws as to | 48 . | 157 |
| power of R. A. to make byelaws as to | 109 . | 23 |
| situation of (byelaws) . . . | 540 . | 60 |
| ventilation of „ | 540 . | 60 |
| construction of „ | 541 . | 61 |
| soil pipe from „ | 539 . | 57 |
| power to make byelaws as to water supply to | 109 . | 23 |
| water supply to (byelaws) . | 574 . | 18 |

| | PAGE | SEC. |
|---|---------|-------|
| Water-closets— | | |
| earth-closet may be substituted for | 23 . . | 37 |
| to cellar dwellings | 30 . . | 72 |
| building house without | 22 . . | 35 |
| existing houses without | 22 . . | 36 |
| factories without sufficient | 23 . . | 38 |
| " " " " " " " " | 108 . . | 22 |
| to be properly kept | 24 . . | 40 |
| U. A. may provide public | 23 . . | 39 |
| examination of — on complaint | 24 . . | 41 |
| a nuisance | 28 . . | 47 |
| " " " " " " " " | 31 . . | 91 |
| Water Company— | | |
| definition | 8 . . | 4 |
| purchase, etc., of undertaking of | 180 . . | 51 |
| purchase, etc., of undertaking of | 186 . . | 63 |
| insufficient supply by | 181 . . | 52 |
| contract with — for supply to house | 185 . . | 62 |
| contract with — for supply | 186 . . | 63 |
| agreement with — for supply for fires | 187 . . | 66 |
| saving for | 90 . . | 332 |
| (See also "Water.") | | |
| Watercourses— | | |
| foul — near boundaries | 28 . . | 48 |
| a nuisance | 31 . . | 91 |
| saving for | 87 . . | 327 |
| surveyor may make, cleanse, etc. (highways) | 447 . . | 67 |
| interference with, by tramway | 424 . . | 31 |
| interference with, by Railway Co. | 504 . . | 16 |
| Bridges over, damage to by road loco. | 493 . . | 7 |
| (See also "Streams.") | | |
| Watering Streets | 25 . . | 42 |
| Water Mains— | | |
| power of L. A. for carrying | 181 . . | 54 |
| alteration of — for L. A. | 46 . . | 153 |
| breaking up streets for laying | 200 . . | 28-34 |
| alteration of — by tramway | 422 . . | 30 |
| laying of — interfering with tramway | 424 . . | 32 |
| to be under pressure | 205 . . | 42 |
| alteration to — by Raily. Co. | 505 . . | 18-23 |
| Water-meter (see Meters). | | |
| Water-pipes— | | |
| non-repair of | 218 . . | 17 |

| | PAGE | SEC. |
|--|---------|-------|
| Water-pipes— | | |
| penalty for altering | 219 . . | 19 |
| bore of | 208 . . | 50 |
| laying of — by undertakers | 205 . | 44-47 |
| " owners, etc. | 207 . | 48-53 |
| alteration to, by Railway Co. | 505 . | 18-23 |
| (See also Water Mains.) | | |
| Water-rates (see Rates). | | |
| Water-spouts— | | |
| repair, etc., of — in streets | 155 . . | 74 |
| Waterworks— | | |
| definition | 8 . . | 4 |
| power of L. A. to construct, etc. | 180 . . | 51 |
| restriction on construction of — by L. A. | 181 . . | 52 |
| construction of reservoirs | 181 . . | 53 |
| supply of pure and wholesome water to be kept in | 182 . . | 55 |
| Water Company may lease or sell | 186 . . | 63 |
| Waterworks Clauses Act, 1847— | | |
| incorporation of provisions of | 183 . . | 57 |
| breaking up streets | 200 . | 28-34 |
| supply of water | 202 . | 35-37 |
| fire-plugs | 204 . | 38-43 |
| communication pipes | 205 . | 44-53 |
| waste or misuse of water | 208 . | 54-60 |
| fouling water | 210 . | 61-67 |
| water rates. | 212 . | 68-74 |
| amount of profit | 213 . | 75-84 |
| recovery of penalties | 213 . | 85-89 |
| access to the Special Act | 213 . | 90-94 |
| Waterworks Clauses Act, 1863— | | |
| incorporation of | 183 . . | 57 |
| security of reservoirs | 215 . . | 3-11 |
| supply of water | 217 . | 12-15 |
| waste or misuse of water | 218 . | 16-20 |
| recovery of rates. | 219 . . | 21 |
| Waywardens— | | |
| of Highway Board | 462 . . | 9 |
| contracting by | 468 . . | I |
| contracts for materials by | 470 . . | 20 |
| Weight— | | |
| excessive — on highways | 481 . . | 23 |
| Wells— | | |
| power to dig | 180 . . | 51 |
| public — to vest in L. A. | 186 . . | 64 |
| Parish C. may utilize | 394 . . | 8 |
| analysis of polluted | 188 . . | 70 |
| polluted — may be closed | 188 . . | 70 |
| Wheels— | | |
| waggon, etc., — bylaws as to | 483 . . | 26 |

The Law relating to Parish Councils, being the Local Government Act, 1894:

By A. F. JENKIN, Barrister-at-Law. Second Edition. (1895.)

Price 10s.

Opinions of the Press of the First Edition.

"Mr. Jenkin, in his 'Law of Parish Councils,' is entitled, in our opinion, to the premier position among these five books."—*Law Times*. (The five books in question are "Jenkin," "Macinorran and Dill," "Humphreys," "Leley and Craies," and "Fitzgerald.")

"The clearest and best arranged summary of the provisions of the entire Act that we have seen."—*Solicitors' Journal*.

"Of the very many books written on this subject, Mr. Jenkin's may safely be placed among the best."—*Law Journal*.

"Much the most complete."—*Daily Chronicle*.

"This is by far the best book on the subject which has as yet come under our notice."—*Manchester Guardian*.

"Will, we imagine, be indispensable to lawyers; and will certainly be so to such laymen as are concerned."—*Yorkshire Post*.

"The most complete exposition yet issued."—*Leeds Mercury*.

"Is the most voluminous; and for obtaining an intimate knowledge of the new Act, perhaps the best that has been issued."—*Birmingham Post*.

"It is essentially a first-class work, and no official should be without it; it is indispensable."—*Local Government Journal*.

"Our general impression of Mr. Jenkin's book is that it is a useful and accurate work, in which are clearly stated all such things as are clearly stated in the Act itself."—*Saturday Review*.

The Law of County Government:

Being the Local Government Act, 1888; together with the Statutes connected therewith, with Notes and a comprehensive Index, by ALEX. GLEN, M.A., LL.B., and W. E. GORDON, B.A., Barrister-at-Law. (1890.) Price £2 2s.

Law Times, 28th June, 1890.—"Mr. Glen's method is well known, and for this species of law we know of no better treatment than the annotated sections. The whole field is familiar to the author, whose family seem to have settled down upon it without fear of adverse possession. Concise and clear, while comprehensive and complete, the volume now before us will give to the large number of persons now concerned in the administration of local government, full information and instruction. Mr. Gordon proves a valuable coadjutor, and by skilful treatment of the miscellaneous statutes, crowns the work of Mr. Glen. We congratulate them on the successful accomplishment of what must have been a very arduous and difficult task. The Index is admirable."

London Government, under the Local Government Act, 1888:

By the late J. F. B. FIRTH, M.P., LL.B., and EDGAR R. SIMPSON, M.A., LL.B., Barristers-at-Law. (1888.)

Price 20s.

The Election of County Councils under the Local Government Act, 1888. Second Edition:

By FRANK R. PARKER, Solicitor and Parliamentary Agent (Author of "The Powers, Duties, and Liabilities of an Election Agent and of a Returning Officer at a Parliamentary Election in England or Wales"; "An Analytical Index and Digest to the Judicature Acts and Rules," etc.) (1892.)

Price 20s.

The Education Acts Manual. Seventeenth Edition:

Embracing the Education Acts, 1870—1891. By Sir HUGH OWEN, K.C.B., Barrister-at-Law. (1891.)

Price 21s.

School Board Chronicle.—"Crammed with information, always to the point, and always correct." *Law Times*.—"Thoroughly deserves the large measure of popular favour which it has received."

Notice of the 13th Edition.—"Our readers know well our opinion of the supreme excellence of Owen's Manual."

Notice of the 14th Edition.—"Is the very model of all that such a book should be."

The Parish Councillor; his Powers, Duties, and Liabilities.

By F. ROWLEY PARKER. (1895.)

Price 6s.

How to Keep the Minutes of a Parish Council and of a Parish Meeting.

By H. F. NASH and J. S. ALLPORT. (1895.)

Price 3s.

The Licensing Laws. Second Edition:

The five Licensing Acts are arranged so as to form one comprehensive statute, with copious explanatory notes, with an introduction giving a full description of the Licensing System, and an Appendix of Statutes; the whole forming a complete handbook. By G. C. WHITELEY, M.A., Cantab., and the late F. J. LOWE, LL.M., Cantab., Barristers-at-Law. (1888.) Price 8s. 6d.

Law Times.—"A decidedly creditable and useful publication."

Cambridge Chronicle.—"A complete treatise upon the Licensing Laws, which it simplifies and explains."

Manchester Guardian.—"Very carefully done . . . especially valuable."

Fry's Lunacy Laws. Third Edition:

Containing all the Statutes relating to Private Lunatics—Pauper Lunatics—Criminal Lunatics—Commissions of Lunacy—Public and Private Asylums—and the Commissioners in Lunacy; with an Introductory Commentary. Notes to the Statutes, including References to decided Cases; and a Copious Index of 129 pages. By G. F. CHAMBERS, Barrister-at-Law. (1891.) Price 15s.

Saturday Review.—"Mr. Fry has rendered a useful service in putting these Laws together in a connected and intelligible form."

Law Times.—"It is a decidedly valuable compendium of the law of which it treats, which, unhappily, is one of growing importance."

A Treatise on the Law of Costs in an Action in the Queen's Bench Division, and in the Court of Appeal:

Under the Judicature Acts, and New Rules of the Supreme Court. By WILLIAM EDWARD GORDON, M.A., of the Middle Temple, Barrister-at-Law. (1884.) Price 15s.

The Powers and Duties of an Election Agent and of a Returning Officer at a Parliamentary Election in England and Wales. Second Edition (1892):

By F. ROWLEY PARKER, Solicitor and Parliamentary Agent.

Price 31s. 6d.

Parker's Election Manuals:

For use at all Elections held under the Ballot Act. By F. ROWLEY PARKER, Solicitor and Parliamentary Agent. (1892.) Price 2s. 6d. each.

A Manual for the Presiding Officer.

A Manual for the Polling Agent.

A Manual for the Counting Assistant.

A Manual for the Volunteer Assistant.

